

Section 402, Joint Res. Aug. 27, 1940, ch. 689, § 2, 54 Stat. 859, which related to laws and regulations governing personnel called to active service, has been omitted as having been executed.

Section 403, Joint Res. Aug. 27, 1940, ch. 689, § 3, 54 Stat. 859; Acts Sept. 16, 1940, ch. 720, § 8(d), (f), 54 Stat. 891; July 28, 1942, ch. 529, § 1, 56 Stat. 723; Dec. 8, 1944, ch. 548, § 2, 58 Stat. 799, which related to service and health certificates and reemployment rights, has been omitted as obsolete. Present similar provisions are found in section 459 of this Appendix.

Section 404, Joint Res. Aug. 27, 1940, ch. 689, § 4, 54 Stat. 860, which made applicable the Soldiers' and Sailors' Civil Relief Act, former section 101 et seq. of this Appendix, has been omitted as having expired on Oct. 17, 1940. Present provisions are found in section 464 of this Appendix and section 501 et seq. of this Appendix.

Section 405, Joint Res. Aug. 27, 1940, ch. 689, § 5, 54 Stat. 860, which suspended all laws in conflict with sections 401—405, has been omitted as having expired with the other sections.

PAY OF PERSONS INDUCTED IN ERRONEOUS RANK OR GRADE

Act Feb. 6, 1942, ch. 42, 56 Stat. 50, related to pay of persons inducted in erroneous rank or grade under former sections 401—405 of this Appendix.

UNIVERSAL MILITARY TRAINING AND SERVICE ACT

JUNE 24, 1948, CH. 625, TITLE I, 62 STAT. 604

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§ 451. Short title; Congressional declaration of policy.

(a) This Act may be cited as the "Universal Military Training and Service Act".

(b) The Congress declares that an adequate armed strength must be achieved and maintained to insure the security of this Nation.

(c) The Congress further declares that in a free society the obligations and privileges of serving in the armed forces and the reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy.

(d) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard, both Ground and Air, as an integral part of the first line defenses of this Nation, be at all times maintained and assured.

To this end, it is the intent of the Congress that whenever Congress shall determine that units and organizations are needed for the national security in excess of those of the Regular components of the Ground Forces and the Air Forces, and those in

active service under this title [sections 451—454 and 455—471 of this Appendix], the National Guard of the United States, both Ground and Air, or such part thereof as may be necessary, together with such units of the Reserve components as are necessary for a balanced force, shall be ordered to active Federal service and continued therein so long as such necessity exists.

(e) The Congress further declares that adequate provision for national security requires maximum effort in the fields of scientific research and development, and the fullest possible utilization of the Nation's technological, scientific, and other critical manpower resources. (June 24, 1948, ch. 625, title I, § 1, 62 Stat. 604; June 19, 1951, ch. 144, title I, § 1 (a), 65 Stat. 75.)

REFERENCES IN TEXT

"This Act", referred to in the text of subsection (a), is classified to sections 451—454 and 455—471 of this Appendix and sections 62a and 65 of title 10, Army and Air Force.

The National Defense Act of 1916, as amended, referred to in the text of subsection (d), is the act of June 3, 1916, ch. 134, 39 Stat. 166, as is generally dispersed throughout Title 10, Army and Air Force. See Tables Volume for classification.

AMENDMENTS

1951—Subsec. (a) amended by act June 19, 1951, to substitute the "Universal Military Training and Service Act" for the "Selective Service Act of 1948".

SHORT TITLE OF ACT JUNE 19, 1951

Congress in enacting amendments to sections 451—456, 459, 460, 463, 466, 467, and 471 of this Appendix, enacting sections 472 and 473 of this Appendix, repealing section 457 of this Appendix, amending section 621c of Title 10, Army and Air Force, and amending notes to sections 20j and 628 of Title 10, and note to section 454 of this Appendix, provided by section 7 of act June 19, 1951, that the said act June 19, 1951, should be popularly known as the "1951 Amendments to the Universal Military Training and Service Act".

SEPARABILITY PROVISIONS OF ACT JUNE 19, 1951

Section 5 of act June 19, 1951, provided that: "If any provision of this Act [sections 451—456, 459, 460, 463, 466, 467, and 471—473 of this Appendix and section 621c of Title 10] or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act [said sections] and of the application of such provision to other persons and circumstances shall not be affected thereby."

SIMILAR PROVISIONS

Declaration of policy for the Selective Training and Service Act of 1940, former sections 301—318 of this Appendix, was contained in former section 301 of this Appendix.

CROSS REFERENCES

Authority of President to order Reserve components to active duty, see section 471 of this Appendix.

Prostitution near military camps unlawful, see section 1384 of Title 18, Crimes and Criminal Procedure.

§ 452. Authorized personnel strength of various services.

Notwithstanding any other provision of law, the authorized active-duty personnel strength of the armed forces, exclusive of personnel of the reserve components on active duty for training purposes only, officer candidates, personnel of the armed forces employed in the Selective Service System, and

persons paid under the appropriations for the Naval Reserve and the Marine Corps Reserve, is established as follows: (1) Of the Army of the United States, eight hundred thirty-seven thousand; (2) of the Navy, including the Marine Corps, the present authorized statutory strength of six hundred sixty-six thousand, eight hundred and eighty-two; and (3) of the Air Force of the United States, five hundred two thousand. The strength herein established for each of the armed forces shall mean the daily average number of persons on active duty therein during the fiscal year. (June 24, 1948, ch. 625, title I, § 2, 62 Stat. 605; June 19, 1951, ch. 144, title I, § 1 (b), 65 Stat. 76.)

AMENDMENTS

1951—Act June 19, 1951, amended section by omitting provisions relating to number of one-year enlistees.

SUSPENSION OF RESTRICTIONS ON PERSONNEL STRENGTH

Section as suspended until July 31, 1954, see note set out under section 20j of Title 10, Army and Air Force.

CROSS REFERENCES

Air Force, authorized personnel strength, see section 20s of Title 10, Army and Air Force.

Army, authorized personnel strength, see section 20j of Title 10, Army and Air Force.

§ 453. Registration.

Except as otherwise provided in this title [sections 451—454 and 455—471 of this Appendix], it shall be the duty of every male citizen of the United States, and every other male person now or hereafter in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder. (June 24, 1948, ch. 625, title I, § 3, 62 Stat. 605; June 19, 1951, ch. 144, title I, § 1 (c), 65 Stat. 76.)

AMENDMENTS

1951—Act June 19, 1951, amended section to make any male person now or hereafter in the United States subject to registration.

SIMILAR PROVISIONS

Registration provisions of the Selective Training and Service Act of 1940, former sections 301—318 of this Appendix were contained in former section 302 of this Appendix.

CROSS REFERENCES

Ages for registration, definitions, see section 466 of this Appendix.

Notice of requirements, proclamation fixing time for registration as, see section 465 of this Appendix.

Offenses and penalties relative to registration, see section 462 of this Appendix.

Persons exempted from registration, see section 456 of this Appendix.

Residents who have not declared their intention to become citizens, registration of, see section 456 of this Appendix.

REGISTRATION

Proc. Nos. 2799, July 20, 1948, 13 F. R. 4173, 62 Stat. 1532; 2937, Aug. 20, 1951, 16 F. R. 8263, 65 Stat. c27; 2938, Aug. 20, 1951, 16 F. R. 8265, 65 Stat. c30; 2942, Aug. 31, 1951, 16 F. R. 8969; 65 Stat. c35; 2972, Apr. 18, 1952, 17 F. R. 3473, 66 Stat. c28, provided specific dates for registration of all male citizens between the ages of 18 and 26 residing in the United States and its Territories and Possessions.

§ 454. Persons liable for training and service—(a) Age limits; training in National Security Training Corps; physical and mental fitness; adequate training facilities; assignment to stations and units; training period; communication with Congress.

Except as otherwise provided in this title [sections 451—454 and 455—471 of this Appendix], every male citizen of the United States and every male alien admitted for permanent residence, who is between the ages of 18 years and 6 months and 26 years, at the time fixed for his registration, or who attains the age of 18 years and 6 months after having been required to register pursuant to section 3 of this title [section 453 of this Appendix], or who is otherwise liable as provided in section 6 (h) of this title [section 456 (h) of this Appendix], shall be liable for training and service in the Armed Forces of the United States: *Provided*, That each registrant shall be immediately liable for classification and examination, and shall, as soon as practicable following his registration, be so classified and examined, both physically and mentally, in order to determine his availability for induction for training and service in the Armed Forces: *Provided further*, That any male alien who is between the ages of 18 years and 6 months and 26 years, at the time fixed for registration, or who attains the age of 18 years and 6 months after having been required to register pursuant to section 3 of this title [section 453 of this Appendix], or who is otherwise liable as provided in section 6 (h) of this title [section 456 (h) of this Appendix], who has remained in the United States in a status other than that of a permanent resident for a period exceeding one year (other than an alien exempted from registration under this title [sections 451—454 and 455—471 of this Appendix] and regulations prescribed thereunder) shall be liable for training and service in the Armed Forces of the United States, except that any such alien shall be relieved from liability for training and service under this title [said sections] if, prior to his induction into the Armed Forces he has made application to be relieved from such liability in the manner prescribed by and in accordance with rules and regulations prescribed by the President; but any alien who makes such application shall thereafter be debarred from becoming a citizen of the United States. The President is authorized, from time to time, whether or not a state of war exists, to select and induct into the Armed Forces of the United States for training and service in the manner provided in this title [said sections] (including but not limited to selection and induction by age group or age groups) such number of persons as may be required to provide and maintain the strength of the Armed Forces.

At such time as the period of active service in the Armed Forces required under this title [said sections] of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated pursuant to the provisions of section 4 (k) of this title [subsection (k) of this section], and except as otherwise provided in this title [sections 451—454 and 455—471 of this Appendix], every male citizen of the United States who is required to register under this title [sections 451—

454 and 455—471 of this Appendix], and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6 (h) of this title [section 456 (h) of this Appendix], and every male alien admitted for permanent residence who is required to register under this title [sections 451—454 and 455—471 of this Appendix], and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6 (h) of this title [section 456 (h) of this Appendix], shall be liable for training in the National Security Training Corps: *Provided*, That any male alien who is required to register under the provisions of this title [sections 451—454 and 455—471 of this Appendix], and who has not reached the nineteenth anniversary of the date of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6 (h) of this title [section 456 (h) of this Appendix], who has remained in the United States in a status other than that of a permanent resident for a period exceeding one year shall be liable for training in the National Security Training Corps except that any such alien shall be relieved from such training under this title [sections 451—454 and 455—471 of this Appendix] if, prior to his induction into the National Security Training Corps he has made application to be relieved from such liability in the manner prescribed by and in accordance with rules and regulations prescribed by the President, but any alien who makes such application shall thereafter be debarred from becoming a citizen of the United States: *Provided further*, That persons deferred under the provisions of section 6 of this title [section 456 of this Appendix] shall not be relieved from liability for induction into the National Security Training Corps solely by reason of having exceeded the age of nineteen years during the period of such deferment. The President is authorized, from time to time, whether or not a state of war exists, to select and induct for training in the National Security Training Corps as hereinafter provided such number of persons as may be required to further the purposes of this title [sections 451—454 and 455—471 of this Appendix].

No person shall be inducted into the Armed Forces for training and service or shall be inducted for training in the National Security Training Corps under this title [sections 451—454 and 455—471 of this Appendix] until his acceptability in all respects, including his physical and mental fitness, has been satisfactorily determined under standards prescribed by the Secretary of Defense: *Provided*, That the minimum standards for physical acceptability established pursuant to this subsection shall not be higher than those applied to persons inducted between the ages of 18 and 26 in January 1945: *Provided further*, That the passing requirement for the Armed Forces Qualification Test shall be fixed at a percentile score of 10 points.

No person shall be inducted for such training and service until adequate provision shall have been

made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations for such persons as may be determined by the Secretary of Defense or the Secretary of the Treasury to be essential to the public and personal health.

The persons inducted into the Armed Forces for training and service under this title [sections 451—454 and 455—471 of this Appendix] shall be assigned to stations or units of such forces. Persons inducted into the land forces of the United States pursuant to this title [said sections] shall be deemed to be members of the Army of the United States; persons inducted into the naval forces of the United States pursuant to this title [said sections] shall be deemed to be members of the United States Navy or the United States Marine Corps or the United States Coast Guard, as appropriate; and persons inducted into the air forces of the United States pursuant to this title [said sections] shall be deemed to be members of the Air Force of the United States.

Every person inducted into the Armed Forces pursuant to the authority of this subsection after the date of enactment of the 1951 Amendments to the Universal Military Training and Service Act [June 19, 1951] shall, following his induction, be given full and adequate military training for service in the armed force into which he is inducted for a period of not less than four months, and no such person shall, during this four months' period, be assigned for duty at any installation located on land outside the United States, its Territories and possessions (including the Canal Zone); and no other member of the Armed Forces of the United States who is enlisted, inducted, appointed, or ordered to active duty after the date of enactment of the 1951 Amendments to the Universal Military Training and Service Act [June 19, 1951] shall be assigned to duty at any installation located on land outside the United States, its Territories and possessions (including the Canal Zone), until he has had the equivalent of at least four months of basic training: *Provided*, That no funds appropriated by the Congress shall be used for the purpose of transporting or maintaining in violation of the provisions of this paragraph any person inducted into, or enlisted, appointed, or ordered to active duty in, the Armed Forces under the provisions of this title [sections 451—454 and 455—471 of this Appendix].

No person, without his consent, shall be inducted for training and service in the Armed Forces or for training in the National Security Training Corps under this title [said sections], except as otherwise provided herein, after he has attained the twenty-sixth anniversary of the day of his birth.

No member of the Armed Forces shall be restricted or prevented from communicating directly or indirectly with any Member or Members of Congress concerning any subject unless such communication is in violation of law, or in violation of regulations necessary to the security and safety of the United States.

(b) Length of service.

Each person inducted into the Armed Forces under the provisions of subsection (a) of this section

shall serve on active training and service for a period of twenty-four consecutive months, unless sooner released, transferred, or discharged in accordance with procedures prescribed by the Secretary of Defense (or the Secretary of the Treasury with respect to the United States Coast Guard) or as otherwise prescribed by subsection (d) of section 4 of this title [subsection (d) of this section].

(c) Opportunity to enlist in Regular Army; voluntary induction; volunteers under 18 years old.

(1) Under the provisions of applicable laws and regulations any person between the ages of eighteen years and six months and twenty-six years shall be offered an opportunity to enlist in the regular army for a period of service equal to that prescribed in subsection (b) of this section: *Provided*, That, notwithstanding the provisions of this or any other Act, any person so enlisting shall not have his enlistment extended without his consent until after a declaration of war or national emergency by the Congress after the date of enactment of the 1951 Amendments to the Universal Military Training and Service Act [June 19, 1951].

(2) Any enlisted member of any reserve component of the Armed Forces may, during the effective period of this Act, apply for a period of service equal to that prescribed in subsection (b) of this section and his application shall be accepted: *Provided*, That his services can be effectively utilized and that his physical and mental fitness for such service meet the standards prescribed by the head of the department concerned: *Provided further*, That active service performed pursuant to this section shall not prejudice his status as such member of such reserve component: *And provided further*, That any person who was a member of a reserve component on June 25, 1950, and who thereafter continued to serve satisfactorily in such reserve component, shall, if his application for active duty made pursuant to this paragraph is denied, be deferred from induction under this title [sections 451—454 and 455—471 of this Appendix] until such time as he is ordered to active duty or ceases to serve satisfactorily in such reserve component.

(3) Within the limits of the quota determined under section 5 (b) [section 465 (b) of this Appendix] for the subdivision in which he resides, any person, between the ages of eighteen and twenty-six, shall be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in subsection (b) of this section, but no person who so volunteers shall be inducted for such training and service so long as he is deferred after classification.

(4) Within the limits of the quota determined under section 5 (b) [section 465 (b) of this Appendix] for the subdivision in which he resides, any person after attaining the age of seventeen shall with the written consent of his parents or guardian be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in subsection (b) of this section.

(5) Within the limits of the quota determined under section 5 (b) [section 465 (b) of this Appen-

dix] for the subdivision in which he resides, at such time as induction into the National Security Training Corps is authorized pursuant to the provisions of this title [sections 451—454 and 455—471 of this Appendix], any person after attaining the age of seventeen shall with the written consent of his parents or guardian be afforded an opportunity to volunteer for induction into the National Security Training Corps for the training prescribed in subsection (k) of section 4 of this title [subsection (k) of this section].

(d) Transfer to Reserve component; period of service.

(1) Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act [June 19, 1951] is inducted, enlisted, or appointed (except a person enlisted under subsection (g) of this section) and serves for a period of less than three years in one of the armed forces and meets the qualifications for enlistment or appointment in a reserve component of the armed force in which he serves, shall be transferred to a reserve component of such armed force, and until the expiration of a period of five years after such transfer, or until he is discharged from such reserve component, whichever occurs first, shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law for such reserve component: *Provided*, That any such person who completes at least twenty-one months of service in the armed forces and who thereafter serves satisfactorily (1) on active duty in the armed forces under a voluntary extension for a period of at least one year, which extension is authorized, or (2) in an organized unit of any reserve component of any of the armed forces for a period of at least thirty-six consecutive months, shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the armed forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces.

(2) Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act [June 19, 1951] is enlisted under the provisions of subsection (g) of this section and who meets the qualifications for enlistment or appointment in a reserve component of the armed forces shall, upon discharge from such enlistment under honorable conditions, be transferred to a reserve component of the armed forces of the United States and shall serve therein for a period of six years or until sooner discharged. Each such person shall, so long as he is a member of such reserve component, be liable to be ordered to active duty, but except in time of war or national emergency declared by the Congress no such person shall be ordered to active duty, without his consent and

except as hereinafter provided, for more than one month in any year. In case the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force determines that enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he served is available to, and can without undue hardship be filled by, any such person, it shall be the duty of such person to enlist, enroll, or accept appointment in, or accept assignment to, such organized unit or officers' training program and to serve satisfactorily therein for a period of four years. Any such person who fails or refuses to perform such duty may be ordered to active duty, without his consent, for an additional period of not more than twelve consecutive months. Any such person who enlists or accepts appointment in any such organized unit and serves satisfactorily therein for a period of four years shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the armed forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces. The Secretary of Defense is authorized to prescribe regulations governing the transfer of such persons within and between reserve components of the armed forces and determining, for the purpose of the requirements of the foregoing provisions of this paragraph, the credit to be allowed any person so transferring for his previous service in one or more reserve components.

(3) Each person who, subsequent to the date of enactment of this paragraph [June 19, 1951], is inducted, enlisted, or appointed, under any provision of law, in the Armed Forces, including the reserve components thereof, or in the National Security Training Corps prior to attaining the twenty-sixth anniversary of his birth shall be required to serve on active training and service in the Armed Forces or in training in the National Security Training Corps, and in a reserve component, for a total period of eight years, unless sooner discharged on the grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense (or the Secretary of the Treasury with respect to the United States Coast Guard). Each such person, on release from active training and service in the Armed Forces or from training in the National Security Training Corps, shall, if physically and mentally qualified, be transferred to a reserve component of the Armed Forces, and shall serve therein for the remainder of the period which he is required to serve under this paragraph and shall be deemed to be a member of such reserve component during such period. In case the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force (or the Secretary of the Treasury with respect to the United States Coast Guard), determines that enlistment,

enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he served is available to, and can, without undue personal hardship, be filled by any such person, it shall be the duty of such person to enlist, enroll, or accept appointment in, or accept assignment to, such organized unit or officers' training program, and to serve satisfactorily therein. The Secretaries of the Army, Navy, and Air Force, with the approval of the Secretary of Defense (and the Secretary of the Treasury with respect to the United States Coast Guard), may provide, by regulations which shall be as nearly uniform as practicable, for the release from training and service in the Armed Forces prior to serving the periods required by subsection (b) of this section of individuals who volunteer for and are accepted into organized units of the Army National Guard and Air National Guard and other reserve components. Nothing in this subsection shall be construed to prevent any person, while in a reserve component of the Armed Forces, from being ordered or called to active duty in such Armed Force.

(e) Pay and allowances.

With respect to the persons inducted for training and service under this title [sections 451—454 and 455—471 of this Appendix] there shall be paid, allowed, and extended the same pay, allowances, pensions, disability and death compensation, and other benefits as are provided by law in the case of other enlisted men of like grades and length of service of that component of the armed forces to which they are assigned. Section 3 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), is amended by deleting therefrom the following: "Act of March 7, 1942 (56 Stat. 143—148, ch. 166), as amended". The Act of March 7, 1942 (56 Stat. 143—148), as amended, is made applicable to persons inducted into the armed forces pursuant to this title [sections 451—454 and 455—471 of this Appendix].

(f) Additional compensation from civilian sources.

Nothing contained in this or any other Act shall be construed as forbidding the payment of compensation by any person, firm, or corporation to persons inducted into the armed forces of the United States for training and service under this title [sections 451—454 and 455—471 of this Appendix], or to members of reserve components of such forces now or hereafter on any type of active duty, who, prior to their induction or order to active duty, were receiving compensation from such person, firm, or corporation.

(g), (h) Repealed. June 19, 1951, ch. 144, § 1 (h), 65 Stat. 80.

(i) Medical, dental, and allied specialist categories.

(1) Notwithstanding any other provision of this title [sections 451—454 and 455—471 of this Appendix], except subsections 6 (g), 6 (j) and 6 (o) [subsections (j) and (o) of section 456 of this Appendix], the President is authorized to require special registration of and, on the basis of requisitions submitted by the Department of Defense and ap-

proved by him, to make special calls for male persons qualified in needed—

(A) medical and allied specialist categories who have not yet reached the age of fifty at the time of registration, and

(B) dental and allied specialist categories who have not yet reached the age of fifty at the time of registration.

Persons called hereunder shall be liable for induction for not to exceed twenty-four months of service in the Armed Forces. No such person who is a member of a reserve component of the Armed Forces shall, so long as he remains a member thereof, be liable for registration or induction under this subsection, but nothing in this subsection shall be construed to affect the authority of the President under any other provision of law to call to active duty members and units of the reserve components. No person in the medical, dental, and allied specialist categories shall be inducted under the provisions of this subsection after he has attained the fifty-first anniversary of the date of his birth.

(2) In registering and inducting persons pursuant to paragraph (1) of this subsection, the President shall, to the extent that he considers practicable and desirable, register and induct in the following order of priority:

First. Those persons who participated as students in the Army specialized training program or similar programs administered by the Navy, and those persons who were deferred from service during World War II for the purpose of pursuing a course of instruction leading to education in one of the categories referred to in clauses (A) and (B) of paragraph (1) of this subsection, who have had less than ninety days of active duty in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service subsequent to the completion of or release from the program or course of instruction (exclusive of the time spent in postgraduate training).

Second. Those persons who participated as students in the Army specialized training program or similar programs administered by the Navy, and those persons who were deferred from service during World War II for the purpose of pursuing a course of instruction leading to education in one of the above categories, who have had ninety days or more but less than twenty-one months of active duty in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service subsequent to the completion of or release from the program or course of instruction (exclusive of the time spent in postgraduate training).

Third. Those who did not have active service in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service subsequent to September 16, 1940.

Fourth. Those not included in the first and second priority who have had active service in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service subsequent to September 16, 1940. Inductions of persons in this

priority shall be made in accordance with regulations prescribed by the President which may provide for the classification of such persons into groups according to the number of full months of such service which they have had and for the induction of the members of any such group after the induction of the members of any other such group having a lesser number of full months of such service.

In the selection of individuals from among the categories established by subsection (i) of this section for induction, the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment of any individual whose deferment is found to be equitable and in the national interest, taking into consideration the length of his previous service in the Armed Forces (including the Coast Guard and the Public Health Service) of the United States, the extent of his participation in the Army specialized training program or similar program administered by the Navy, reasons of hardship or dependency, and the maintenance of the national health, safety, or interest.

(3) It is the sense of the Congress that the President shall provide for the annual deferment from training and service under this title [sections 451—454 and 455—471 of this Appendix] of numbers of optometry students and premedical, preosteopathic, preveterinary, preoptometry and predental students at least equal to the numbers of male optometry, premedical, preosteopathic, preveterinary, preoptometry and predental students in attendance at colleges and universities in the United States at the present levels, as determined by the Director.

(j) National Advisory Committee for selection of medical, etc., categories.

The President shall establish a National Advisory Committee which shall advise the Selective Service System and shall coordinate the work of such State and local volunteer advisory committees as may be established to cooperate with the National Advisory Committee, with respect to the selection of needed medical and dental and allied specialist categories of persons as referred to in subsection (i) of this section. The members of the National Advisory Committee shall be selected from among individuals who are outstanding in medicine, dentistry, and the sciences allied thereto, but except for the professions of medicine and dentistry, it shall not be mandatory that all such fields of endeavor be represented on the committee.

In the performance of their functions, the National Advisory Committee and the State and local volunteer advisory committees shall give appropriate consideration to the respective needs of the Armed Forces and of the civilian population for the services of medical, dental, and allied specialist personnel; and, in determining the medical, dental, and allied specialist personnel available to serve the needs of any community, such committees shall give appropriate consideration to the availability in such community of medical, dental, and allied specialist personnel who have attained the fifty-first anniversary of their birth.

(k) Reduction of periods of service; establishment of National Security Training Commission; composition; term of office; compensation; duties; establishment of National Security Training Corps; composition; service; pay.

(1) Upon a finding by him that such action is justified by the strength of the Armed Forces in the light of international conditions, the President, upon recommendation of the Secretary of Defense, is authorized, by Executive order, which shall be uniform in its application to all persons inducted under this title [sections 451—454 and 455—471 of this Appendix] but which may vary as to age groups, to provide for (A) decreasing periods of service under his title [said sections] but in no case to a lesser period of time than can be economically utilized, or (B) eliminating periods of service required under this title [said sections].

(2) Whenever the Congress shall by concurrent resolution declare—

(A) that the period of active service required of any age group or groups of persons inducted under this title [said sections] should be decreased to any period less than twenty-four months which may be designated in such resolution; or

(B) that the period of active service required of any age group or groups of persons inducted under this title [said sections] should be eliminated,

the period of active service in the Armed Forces of the age group or groups designated in any such resolution shall be so decreased or eliminated, as the case may be. Whenever the period of active service required under this title [said sections] of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated by the President or as a result of the adoption of a concurrent resolution of the Congress in accordance with the foregoing provisions of this section, all individuals then or thereafter liable for registration under this title [said sections] who on that date have not attained the nineteenth anniversary of the day of their birth and have not been inducted into the Armed Forces shall be liable, effective on such date, for induction into the National Security Training Corps as hereinafter established for initial military training for a period of six months.

(3) There is established a National Security Training Commission (herein called the Commission), which shall be composed of five members, three of whom shall be civilians and two of whom shall be active or retired members of the Regular components of any of the Armed Forces. Of the three civilian members, not more than two shall be of the same political party. Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, from among persons of outstanding national reputation. The president shall select the Chairman of the Commission from among its civilian members. No person who has been on active duty as a commissioned officer in a regular component of the Armed Forces shall be eligible for appointment as a civilian member of the Commission. The Commission shall have a seal which shall be judicially noted. At such time

as the Commission shall be appointed, in accordance with this paragraph, there shall be established a National Security Training Corps.

(4) The term of office of each member of the Commission shall be five years, except that (A) the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, two at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after the date of enactment of this paragraph [June 19, 1951]; and (B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Members of the Commission, other than active members of the Regular components of the Armed Forces, while actually serving with the Commission, shall receive a per diem of not to exceed \$50 for each day engaged in the business of the Commission and shall be allowed transportation and a per diem in lieu of subsistence of \$9 while away from their homes or places of business pursuant to such business.

(5) The Commission shall, subject to the direction of the President, exercise general supervision over the training of the National Security Training Corps, which training shall be basic military training. The Commission shall establish such policies and standards with respect to the conduct of the training of members of the National Security Training Corps as are necessary to carry out the purposes of this Act. The Commission shall make adequate provisions for the moral and spiritual welfare of members of the National Security Training Corps. The Secretary of Defense shall designate the military departments to carry out such training. Each military department so designated shall carry out such military training in accordance with the policies and standards of the Commission. The military department or departments so designated to carry out such military training shall, subject to the approval of the Secretary of Defense, and subject to the policies and standards established by the Commission, determine the type or types of basic military training to be given to members of the National Security Training Corps.

(6) The Commission is authorized, subject to the civil-service laws and the Classification Act of 1949, to employ and fix the compensation of such officers and employees as it deems necessary to enable it to perform its functions.

(7) Not later than four months following confirmation of the members of the Commission, the Commission shall submit to the Congress legislative recommendations which shall include, but not be limited to—

(A) a broad outline for a program deemed by the Commission and approved by the Secretary of Defense to be appropriate to assure that the training carried out under the provisions of this Act shall be of a military nature, but nothing contained in this paragraph shall be construed to grant to the Commission the authority to prescribe the basic type or types of military training to be given members of the National Security Training Corps;

(B) measures for the personal safety, health, welfare and morals of members of the National Security Training Corps;

(C) a code of conduct, together with penalties for violation thereof;

(D) measures deemed necessary to implement the policies and standards established under the provisions of paragraph (5) of this subsection; and

(E) disability and death benefits and other benefits, and the obligations, duties, liabilities and responsibilities, to be granted to or imposed upon members of the National Security Training Corps.

All legislative recommendations submitted under this paragraph shall be referred to the Committees on Armed Services of the two Houses, and each of such committees shall, not later than the expiration of the first period of 45 calendar days of continuous sessions of the Congress, following the date on which the recommendations provided for in this paragraph are transmitted to the Congress, report thereon to its House: *Provided*, That any bill or resolution reported with respect to such recommendations shall be privileged and may be called up by any member of either House but shall be subject to amendment as if it were not so privileged.

(8) No person shall be inducted into the National Security Training Corps until after—

(A) a code of conduct, together with penalties for violation thereof, and measures providing for disability and death benefits have been enacted into law; and

(B) such other legislative recommendations as are provided for in paragraph (7) [of this subsection] shall have been considered and such recommendations or any portion thereof shall have been enacted with or without amendments into law; and

(C) the period of service required under this title [sections 451—454 and 455—471 of this Appendix] of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated by the President or as a result of the adoption of a concurrent resolution of the Congress in accordance with paragraph (2) of this subsection.

(9) Six months following the commencement of induction of persons into the National Security Training Corps, and semiannually thereafter, the Commission shall submit to the Congress a comprehensive report describing in detail the operation of the National Security Training Corps, including the number of persons inducted therein, a list of camps and stations at which training is being conducted, a report on the number of deaths and injuries occurring during such training and the causes thereof, an estimate of the performance of the persons inducted therein, including an analysis of the disciplinary problems encountered during the preceding six months, the number of civilian employees of the Commission and the administrative costs of the Commission. Simultaneously, there shall be submitted to the Congress by the Secretary of Defense a report setting forth an estimate of the value of the training conducted during the preceding six months, the cost of the training program chargeable to the appropriations made to the Department of Defense,

and the number of personnel of the Armed Forces directly engaged in the conduct of such training.

(10) Each person inducted into the National Security Training Corps shall be compensated at the monthly rate of \$30: *Provided, however*, That each such person, having a dependent or dependents as such terms are defined in the Career Compensation Act of 1949, shall be entitled to receive a dependency allowance equal to the sum of the basic allowance for quarters provided for persons in pay grade E-1 by section 302 (f) of the Career Compensation Act of 1949 as amended by section 3 of the Dependents' Assistance Act of 1950 [section 252 (f) of Title 37] as may be extended or amended plus \$40 so long as such person has in effect an allotment equal to the amount of such dependency allowance for the support of the dependent or dependents on whose account the allowance is claimed.

(11) No person inducted into the National Security Training Corps shall be assigned for training at an installation located on land outside the continental United States, except that residents of Territories and possessions of the United States may be trained in the Territory or possession from which they were inducted. (June 24, 1948, ch. 625, title I, § 4, 62 Stat. 605; Sept. 9, 1950, ch. 939, § 1, 64 Stat. 826; Sept. 27, 1950, ch. 1059, §§ 1 (1)—(5), 3 (a), 64 Stat. 1073; June 19, 1951, ch. 144, title I, § 1 (d—j), 65 Stat. 76; July 9, 1952, ch. 608, pt. VIII, § 813, 66 Stat. 509.)

REFERENCES IN TEXT

Date of enactment of the 1951 Amendments to the Universal Military Training and Service Act, referred to in the text of subsections (a) sixth par. (c) (1) and (d) (1) (2) was June 19, 1951.

This Act, referred to in the text of subsections (c) (1), (c) (2), (k) (5) and (k) (7) (A), is classified to sections 451—454 and 455—471 of this Appendix and sections 62a and 65 of Title 10, Army and Air Force.

The effective period of this Act, referred to in the text of subsection (c) (2), is defined in section 467 of this Appendix.

Date of enactment of subsection (d) (3), referred to in the text of said paragraph, was June 19, 1951.

Section 3 of the act of July 25, 1947 (Public Law 239, Eightieth Congress), referred to in the text of subsection (e), provided that the termination of the war and emergencies should be deemed to be July 25, 1947.

Act of March 7, 1942 (56 Stat. 143—148, ch. 166), as amended, referred to in text of subsection (e), is classified to sections 691 and 715 of Title 5, Executive Departments and Government Officers and Employees, section 943 of Title 34, Navy, and sections 1001—1017 of this Appendix.

Date of enactment of subsection (k) (4), referred to in the text of said paragraph, was June 19, 1951.

The civil-service laws and the Classification Act of 1949, referred to in the text of subsection (k) (6), are classified to chapters 12 and 21, respectively, of Title 5, Executive Departments and Government Officers and Employees.

The Career Compensation Act of 1949, referred to in the text of subsection (k) (10) is classified to chapter 4 of Title 37, Pay and Allowances.

AMENDMENTS

1952—Subsec. (d) (3) amended by act July 9, 1952, which substituted "appointed under any * * * reserve components thereof," in lieu of "appointed in the Armed Forces".

1951—Subsec. (a) amended generally by act June 19, 1951, § 1 (d) to lower the age limit from 19 years to 18½, to provide for training in the National Security Training Corps, to lower the physical and mental standards, to

provide for a basic training period, and to allow communication with Members of Congress.

Subsec. (b) amended by act June 19, 1951, § 1 (e) to increase length of service from 21 to 24 months.

Subsec. (c) amended by act June 19, 1951, § 1 (f) to eliminate the short-term Army enlistment period and the General Classification Test, and to establish the age for voluntary induction.

Subsec. (d) amended by act June 19, 1951, § 1 (g) to insert "and prior to * * * and Service Act" following "hereafter" in paragraphs (1) and (2), and to add paragraph (3).

Subsec. (e) amended by act June 19, 1951, § 1 (i) to insert "6g" following "sections" in paragraph (1), and to extend period of service from 21 to 24 months.

Subsecs. (g) and (h) repealed by act June 19, 1951, § 1 (h).

Subsec. (k) added by act June 19, 1951, § 1 (j).

1950—Subsec. (a) amended by act Sept. 27, 1950, § 1 (1—4), which inserted before the period in the third sentence of the first paragraph the phrase "and such number * * * United States Coast Guard", inserted before the period in the second paragraph the phrase "or the Secretary of the Treasury", inserted after "the Secretary of Defense" in the third paragraph the phrase "or the Secretary of the Treasury", inserted after "United States Marine Corps" in the fourth paragraph the phrase "or the United States Coast Guard".

Subsec. (b) amended by act Sept. 27, 1950, § 1 (5), to insert before the period the phrase, "or the Secretary of the Treasury".

Subsec. (c) amended by act Sept. 27, 1950, § 3 (a) which added paragraph (4).

Subsecs. (i) and (j) were added by act Sept. 9, 1950.

EFFECTIVE DATE OF 1952 AMENDMENT

Section 813 of act July 9, 1952, provided in part that the amendment of this section should be effective as of June 19, 1951.

REPEAL OF PRIOR ACTS CONTINUING SECTION

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal shall take effect as of June 16, 1952, by section 7 of said Joint Res. July 3, 1952.

TERMINATION DATE OF SUBSECS. (I) AND (J)

Section 7 of act Sept. 9, 1950, as amended June 19, 1951, § 2 (b) provided that the amendment of this section by the addition of subsections (i) and (j) should terminate on July 1, 1953.

SIMILAR PROVISIONS

The Selective Training and Service Act of 1940, former sections 301—318 of this Appendix, contained provisions relating to persons liable for training and service in former section 303 of this Appendix.

Provisions relating to pre-induction physical examinations were contained in section 304a of this Appendix.

CROSS REFERENCES

Military Justice Code, inductees as subject to, see section 552 of this title.

Residents who have not declared their intention to become citizens, liability for training and service, see section 456 of this Appendix.

Special pay of—Medical, dental and allied specialists categories inducted into service, see section 234b of Title 37, Pay and Allowances.

Reserve officers on active duty with or without consent, see section 234a of Title 37, Pay and Allowances.

EX ORD. NO. 10164. EXTENSION OF COAST GUARD ENLISTMENTS

Ex. Ord. No. 10164, Sept. 27, 1950, 15 F. R. 6570, provided:

By virtue of the authority vested in me by section 1 of the act of July 27, 1950, Public Law 624, 81st Congress, as amended by section 2 of the act of September 27, 1950, entitled "An Act to include the Coast Guard within the provisions of the Selective Service Act of 1948 and to

authorize the President to extend enlistments in the Coast Guard," [see notes under section 628 of Title 10, and section 351 of Title 14] and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby extend for a period of twelve months all enlistments in the United States Coast Guard, including the Coast Guard Reserve, which shall expire at any time after the date of this order and prior to July 9, 1951: *Provided*, That nothing contained herein shall be construed to prevent voluntary re-enlistment or voluntary extension of existing enlistments under provisions of applicable laws or the regulations of the Coast Guard.

The Secretary of the Treasury is hereby directed to take such steps as he may deem necessary to carry out the provisions of this order.

EX. ORD. NO. 10166. ESTABLISHMENT OF THE NATIONAL ADVISORY COMMITTEE ON THE SELECTION OF PHYSICIANS, DENTISTS, AND ALLIED SPECIALISTS

Ex. Ord. No. 10166, Oct. 4, 1950, 15 F. R. 6777, as amended by Ex. Ord. No. 10185, Dec. 1, 1950, 15 F. R. 8557, provided:

Now, therefore, by virtue of the authority vested in me by the said section 4 (j) of the Selective Service Act of 1948 as amended [subsection (j) of this section], it is ordered as follows:

1. There is hereby established the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists (hereinafter referred to as the Committee), which shall be composed of such members as may be appointed by the President, and the chairman of which shall be designated by the President.

2. In performing its functions, as prescribed by the said section 4 (j) of the Selective Service Act of 1948 as amended [subsection (j) of this section], the Committee shall consult with the Director of Selective Service and with such other officials and agencies as may be necessary, including the Secretary of Defense and appropriate officials of the Departments of the Army, Navy, and Air Force, the Department of Labor, the National Security Resources Board, and the Federal Security Agency.

3. All executive departments and agencies of the Federal Government are requested to cooperate with the Committee and to furnish it such available information as it may require for the performance of its duties.

4. Within the limits of applicable law, the Selective Service System shall defray necessary expenses of the Committee, including the compensation of the members thereof, and necessary expenses of those State and local volunteer advisory committees which may be designated by the Committee.

PROC. NO. 2906. REGISTRATION OF DOCTORS, DENTISTS AND ALLIED SPECIALISTS

Proc. No. 2906, Oct. 6, 1950, 15 F. R. 6845, 64 Stat. Pt. 2, p. A437, as amended Proc. No. 2915, Dec. 28, 1950, 15 F. R. 9419, 64 Stat. Pt. 2, p. A455, provided:

1. Every male person who participated as a student in the Army specialized training program or any similar program administered by the Navy, or was deferred from service during World War II for the purpose of pursuing a course of instruction leading to education in a medical, dental, or allied specialist category, and has had less than twenty-one months of active duty in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service subsequent to the completion of, or release from, such program or course of instruction (exclusive of time spent in post-graduate training), and who, on the day or any of the days hereinafter fixed for his registration (a) shall have received from any school, college, university, or similar institution of learning, one or more of the degrees of bachelor of medicine, doctor of medicine, doctor of dental surgery, doctor of dental medicine, doctor of veterinary surgery, and doctor of veterinary medicine, (b) is within any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, (c) is not a member of any reserve component of the armed forces of the United States, and (d) shall not have attained the fiftieth anniversary of the day of his birth is required to and shall on that day or any of those days

present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day or any of those days.

2. The special registration of the male persons required to submit to registration by paragraph numbered 1 hereof shall take place in the several States of the United States, the District of Columbia, the Territories of Alaska and Hawaii, Puerto Rico, and the Virgin Islands between the hours of 8:00 a. m. and 5:00 p. m. on the day or days hereinafter designated for their registration, as follows:

(a) Persons who shall have received any of the degrees above referred to on or before October 16, 1950, shall be registered on Monday, the 16th day of October, 1950.

(b) Persons who receive any of the degrees above referred to after October 16, 1950, shall be registered on the day they receive any such degree, or within five days thereafter.

(c) Persons who shall have received any of the degrees above referred to and who enter any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands after October 16, 1950, shall be registered on the day of such entrance, or within five days thereafter.

3. Every male person who has not had active service in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service subsequent to September 16, 1940, and every male person not included in the first or the second of the priorities defined in section 4 (1) (2) of the Selective Service Act of 1948, as amended [subsection (1) (2) of this section], who has had active service in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service subsequent to September 16, 1940, who on the day or any of the days hereafter fixed by the Director of Selective Service for his registration (a) shall have received from a school, college, university, or similar institution of learning one or more of the degrees of bachelor of medicine, doctor of medicine, doctor of dental surgery, doctor of dental medicine, doctor of veterinary surgery, and doctor of veterinary medicine, (b) is within any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, (c) is not a member of any reserve component of the armed forces of the United States, and (d) shall not have attained the fiftieth anniversary of the day of his birth is required to and shall on that day or any of those days present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day or any of those days.

4. The Director of Selective Service is hereby authorized and directed to fix the date or dates for the special registration required under paragraph numbered 3 hereof: *Provided*, that the date or dates so fixed shall be not later than January 16, 1951.

5. The Director of Selective Service is hereby authorized to require special registration of, and fix the date or dates of registration for, all other persons who are subject to registration under section 4 (1) of the Selective Service Act of 1948, as amended [subsection (1) of this section], and who are not required to register under or pursuant to this proclamation.

6. All orders and directives of the Director of Selective Service issued pursuant to paragraph numbered 4 or paragraph numbered 5 hereof shall be published in the Federal Register.

7. (a) A person subject to registration under or pursuant to this proclamation who, because of circumstances beyond his control, is unable to present himself for and submit to registration during the hours of the day or any of the days fixed for registration shall do so as soon as possible after the cause for such inability ceases to exist.

(b) Every person subject to registration under or pursuant to this proclamation who has registered in ac-

cordance with Proclamation No. 2799 of July 20, 1948 [set out as a note under section 453 of this Appendix], issued under the Selective Service Act of 1948, as amended, [sections 451—454 and 455—471 of this Appendix], and the regulations prescribed thereunder, shall, notwithstanding such registration, present himself for and submit to registration as required by or pursuant to this proclamation.

(c) The duty of any person to present himself for and submit to registration in accordance with Proclamation No. 2799 of July 20, 1948, issued under the Selective Service Act of 1948, as amended [sections 451—454 and 455—471 of this Appendix], and the regulations prescribed thereunder, shall not be affected by this proclamation.

8. Every person subject to registration under or pursuant to this proclamation is required to familiarize himself with the rules and regulations governing such registration and to comply therewith.

9. I call upon the Governors of each of the several States, the Territories of Alaska and Hawaii, Puerto Rico, and the Virgin Islands and the Board of Commissioners of the District of Columbia, and all officers and agents of the United States and all officers and agents of the several States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia, and political subdivisions thereof, and all local boards and agents thereof appointed under the provisions of title I of the Selective Service Act of 1948, as amended, [sections 451—454 and 455—471 of this Appendix], or the regulations prescribed thereunder, to do and perform all acts and services necessary to accomplish effective and complete registration.

10. In order that there may be full cooperation in carrying into effect the purposes of section 4 (1) of title I of the Selective Service Act of 1948, as amended [subsection (1) of this section], I urge all employers and Government agencies of all kinds—Federal, State, territorial, and local—to give those under their charge sufficient time in which to fulfill the obligations of registration incumbent upon them under the said Act [sections 451—454 and 455—471 of this Appendix] and under or pursuant to this proclamation.

PROC. NO. 2915. EXEMPTIONS FROM REGISTRATION

Proc. No. 2915, Dec. 28, 1950, 15 F. R. 9419, 64 Stat. 494, provided:

Proclamation No. 2906 of October 6, 1950 [set out as a note under this section], be, and it is hereby, amended, effective as of October 6, 1950, so as to exempt from the force and effect thereof, until otherwise directed by the President by proclamation, (1) commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service, and (2) aliens who are residing in the United States and have not declared their intention of becoming citizens of the United States and who are also in one of the following categories: (a) alien students admitted under subdivision (e) of section 4 of the Immigration Act approved May 26, 1924, as amended [former section 204 of Title 8], (b) aliens recognized as diplomatic, consular, military or civilian officials or employees of a foreign government and members of their families, (c) aliens who are officials or employees of a public international organization recognized under the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669) [sections 288—288f of Title 22], and members of their families, (d) aliens who have entered the United States and remain therein pursuant to the provisions of section 11 of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, as approved in Public Law 357, 80th Congress (61 Stat. 756) [set out as a note under section 287 of Title 22], (e) aliens who are nationals of a country with which there is in effect a treaty or international agreement exempting its nationals from military service while they are within the United States, or (f) other aliens whose admission to the United States is for a temporary stay only: *Provided*, that such exemption shall not continue after the cause thereof shall cease to exist.

§ 454a. Promotion of physicians and dentists with prior service.

Notwithstanding any other provision of law, where any person who served on active duty as a physician or dentist in the Armed Forces (including the Public Health Service) of the United States subsequent to September 16, 1940, thereafter has been, or shall be, recalled to active duty as a physician or dentist in the Armed Forces (including the Public Health Service) of the United States, such person may, under regulations prescribed by the President, be promoted to such grade or rank as may be commensurate with his medical or dental education, experience, and ability. (Sept. 9, 1950, ch. 939, § 4, 64 Stat. 828.)

CODIFICATION

Section was not enacted as a part of title I of the Selective Service Act of 1948 which comprises sections 451—454, 455—470 of this Appendix.

TERMINATION DATE

Section 7 of act Sept. 9, 1950, provided that this section and section 454b of this Appendix should terminate as of July 9, 1951.

§ 454b. Definitions.

For the purposes of this Act, the term “allied specialist categories” shall include, but not be limited to, veterinarians, optometrists, pharmacists, and osteopaths. (Sept. 9, 1950, ch. 939, § 6, 64 Stat. 828.)

REFERENCES IN TEXT

“This Act” referred to in the text of this section refers to act Sept. 9, 1950, which is classified to this section and sections 454 (1) (j), 454a of this Appendix, section 171a (g)—(i) of Title 5, Executive Departments and Government Officers and Employees, and section 234a of Title 37, Pay and Allowances.

CODIFICATION

Section was not enacted as a part of title I of the Selective Service Act of 1948, which comprises sections 451—454, 455—471 of this Appendix.

§ 455. Manner of selection of men for training and service; quotas.

(a) The selection of persons for training and service under section 4 [section 454 of this Appendix] shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from the persons who are liable for such training and service and who at the time of selection are registered and classified, but not deferred or exempted: *Provided*, That in the selection of persons for training and service under this title [sections 451—454 and 455—471 of this Appendix], and in the interpretation and execution of the provisions of this title [said sections], there shall be no discrimination against any person on account of race or color: *Provided further*, That in the classification of registrants within the jurisdiction of any local board, the registrants of any particular registration may be classified, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after the registrants of any prior registration or registrations; and in the selection for induction of persons within the jurisdiction of any local board and within any particular classification, persons who were registered at any particular registration may be selected, in the manner prescribed

by and in accordance with rules and regulations prescribed by the President, before, together with, or after persons who were registered at any prior registration or registrations: *And provided further*, That nothing herein shall be construed to prohibit the selection or induction of persons by age group or groups under rules and regulations prescribed by the President: *And provided further*, That—

(1) no local board shall order for induction for training and service in the Armed Forces of the United States any person who has not attained the age of nineteen unless there is not within the jurisdiction of such local board a sufficient number of persons who are deemed by such local board to be available for induction and who have attained the age of nineteen to enable such local board to meet a call for men which it has been ordered to furnish for induction; and

(2) no local board shall order for induction for training and service in the Armed Forces of the United States any person who has not attained the age of nineteen, if there is any person within the jurisdiction of such local board who (i) is as much as ninety days older, (ii) has not attained the age of nineteen, and (iii) is deemed by the local board to be available for induction.

(b) Quotas of men to be inducted for training and service under this title [sections 451—454 and 455—471 of this Appendix] shall be determined for each State, Territory, possession, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, possessions, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification, except that credits shall be given in fixing such quotas for residents of such subdivisions who are in the armed forces of the United States on the date fixed for determining such quotas. After such quotas are fixed, credits shall be given in filling such quotas for residents of such subdivisions who subsequently become members of such forces. Until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates, and subsequent adjustments therein shall be made when such actual numbers are known. All computations under this subsection shall be made in accordance with such rules and regulations as the President may prescribe. (June 24, 1948, ch. 625, title I, § 5, 52 Stat. 608; June 19, 1951, ch. 144, title I, § 1 (k), 65 Stat. 83.)

AMENDMENTS

1951—Subsec. (a) amended by act June 19, 1951 by adding last proviso.

SIMILAR PROVISIONS

The manner of selection of men for training and service and quotas under the Selective Training and Service Act of 1940, former sections 301—318 of this Appendix, were set out as former section 304 of this Appendix.

§ 456. Deferments and exemptions from training and service.

(a) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Coast and Geodetic Sur-

vey and the Public Health Service; cadets, United States Military Academy; midshipmen, United States Navy; cadets, United States Coast Guard Academy; midshipmen, Merchant Marine Reserve, United States Naval Reserves; students enrolled in an officer procurement program at military colleges the curriculum of which is approved by the Secretary of Defense; members of the reserve components of the Armed Forces, the Coast Guard, and the Public Health Service, while on active duty; and foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President who are not citizens of the United States, shall not be required to be registered under section 3 [section 453 of this Appendix] and shall be relieved from liability for training and service under section 4 [section 454 of this Appendix], except that aliens admitted for permanent residence in the United States shall not be so exempted.

(b) (1) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title [June 24, 1948] for a period of twelve months or more, or between December 7, 1941, and September 2, 1945, for a period in excess of ninety days, in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title [sections 451—454 and 455—471 of this Appendix], except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title [June 24, 1948].

(2) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title [June 24, 1948] for a period of ninety days or more but less than twelve months in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title [sections 451—454 and 455—471 of this Appendix], except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title [June 24, 1948], if—

(A) the local board determines that he is regularly enlisted or commissioned in any organized unit of a reserve component of the armed force in which he served, provided such unit is reasonably accessible to such person without unduly interrupting his normal pursuits and activities (including attendance at a college or university in which he is regularly enrolled), or in a reserve component (other than in an organized unit) of such armed force in any case in which enlistment or commission in an organized unit of a reserve component of such armed force is not available to him; or

(B) the local board determines that enlistment or commission in a reserve component of such armed force is not available to him or that he has voluntarily enlisted or accepted appointment in an organized unit of a reserve component of an armed force other than the armed force in which he served.

Nothing in this paragraph shall be deemed to be applicable to any person to whom paragraph (1) of this subsection is applicable.

(3) No person who after the date of enactment of this title [June 24, 1948] is honorably discharged upon the completion of a period of three years or more of active duty in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service, shall be liable for induction for training and service under this title [sections 451—454 and 455—471 of this Appendix], except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title [June 24, 1948].

(4) No person who is honorably discharged upon the completion of an enlistment pursuant to section 4 (c) or section 4 (g) [section 454 (c) or 454 (g) of this Appendix] shall be liable for induction for training and service under this title [sections 451—454 and 455—471 of this Appendix], except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title [June 24, 1948].

(5) For the purposes of computation of the periods of active duty referred to in paragraphs (1), (2), or (3) of this subsection, no credit shall be allowed for—

(A) periods of active duty training performed as a member of a reserve component pursuant to an order or call to active duty solely for training purposes;

(B) periods of active duty in which the service consisted solely of training under the Army specialized training program, the Army Air Force college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(C) periods of active duty as a cadet at the United States Military Academy or United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of such academies; or

(D) periods of active duty in any of the armed forces while being processed for entry into or separation from any educational program or institution referred to in paragraphs (B) or (C) of this subsection.

(c) (1) Persons who, on February 1, 1951, were members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, or the Public Health Service Reserve, shall, so long as they continue to be such members and satisfactorily par-

ticipate in scheduled drills and training periods as prescribed by the Secretary of Defense, be exempt from training and service by induction under the provisions of this title [sections 451—454 and 455—471 of this Appendix], but shall not be exempt from registration unless on active duty.

(2) (A) In any case in which the Governor of any State determines and issues a proclamation to the effect that the authorized strength of any organized unit of the National Guard of his State cannot be maintained by the enlistment or appointment of persons referred to in subsection 6 (b) (2) [subsection (b) (2) of this section] or persons who are not liable for training and service under this title [sections 451—454 and 455—471 of this Appendix], any person who prior to attaining the age of eighteen years and six months prior to the determination by the Secretary of Defense that adequate trained personnel are available to the National Guard to enable it to maintain its strength authorized by current appropriations, and prior to the issuance of orders for him to report for induction, enlists or accepts appointment in any such organized unit shall be deferred from training and service under this title [said sections] so long as he continues to serve satisfactorily as a member of such organized unit.

(B) Except as provided in subsection (b) of this section, paragraph 1 of this subsection or clause (A) of this paragraph, no person who shall become a member of a reserve component after the effective date of this title shall thereby be exempt from registration or training and service by induction under the provisions of this title [sections 451—454 and 455—471 of this Appendix].

(d) (1) Within such numbers as may be prescribed by the Secretary of Defense, any person who (A) has been or may hereafter be selected for enrollment or continuance in the senior division, Reserve Officers' Training Corps, or the Air Reserve Officers' Training Corps, or the Naval Reserve Officers' Training Corps, or the naval and Marine Corps officer candidate training program established by the Act of August 13, 1946 (60 Stat. 1057), as amended, or the Reserve officers' candidate program of the Navy, or the platoon leaders' class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or appointed an ensign, United States Naval Reserve, while undergoing professional training; (B) agrees, in writing, to accept a commission, if tendered, and to serve, subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of the Treasury with respect to the United States Coast Guard), not less than two years on active duty after receipt of a commission; and (C) agrees to remain a member of a regular or reserve component until the eighth anniversary of the receipt of a commission in accordance with his obligation under subsection (d) of section 4 of this title [section 454 (d) of this Appendix], shall be deferred from induction under this title [sections 451—454 and 455—471 of this Appendix] until after completion or termination of the course of instruction and so long as he continues in a regular or

reserve status upon being commissioned, but shall not be exempt from registration. Such persons, except those persons who have previously completed an initial period of military training or an equivalent period of active military training and service, shall be required while enrolled in such programs to complete a period of training equal (as determined under regulations approved by the Secretary of Defense or the Secretary of the Treasury with respect to the United States Coast Guard) in duration and type of training to an initial period of military training. There shall be added to the obligated active commissioned service of any person who has agreed to perform such obligatory service in return for financial assistance while attending a civilian college under any such training program a period of not to exceed one year.

(2) In addition to the training programs enumerated in paragraph (1) of this subsection, and under such regulations as the Secretary of Defense (or the Secretary of the Treasury with respect to the United States Coast Guard) may approve, the Secretaries of the military departments and the Secretary of the Treasury are authorized to establish officer candidate programs leading to the commissioning of persons on active duty.

(3) Nothing in this subsection shall be deemed to preclude the President from providing, by regulations prescribed under subsection (h) of this section, for the deferment from training and service of any category or categories of students for such periods of time as he may deem appropriate.

(e) Fully qualified and accepted aviation cadet applicants of the Army, Navy, or Air Force who have signed an agreement of service shall, in such numbers as may be designated by the Secretary of Defense, be deferred, during the period covered by the agreement but not to exceed four months, from induction for training and service under this title [sections 451—454 and 455—471 of this Appendix] but shall not be exempt from registration.

(f) The Vice President of the United States; the governors of the several States, Territories, and possessions, and all other officials chosen by the voters of the entire State, Territory, or possession; members of the legislative bodies of the United States and of the several States, Territories, and possessions; judges of the courts of record of the United States and of the several States, Territories, possessions, and the District of Columbia shall, while holding such offices, be deferred from training and service under this title [sections 451—454 and 455—471 of this Appendix] in the armed forces of the United States.

(g) Regular or duly ordained ministers of religion, as defined in this title [sections 451—454 and 455—471 of this Appendix], and students preparing for the ministry under the direction of recognized churches or religious organizations, who are satisfactorily pursuing full-time courses of instruction in recognized theological or divinity schools, or who are satisfactorily pursuing full-time courses of instruction leading to their entrance into recognized theological or divinity schools in which they have been preenrolled, shall be exempt from training and

service (but not from registration) under this title [said sections].

(h) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces or from training in the National Security Training Corps of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose continued service in an Office (other than an Office described in subsection (f) of this section under the United States or any State, Territory, or possession, or the District of Columbia, or whose activity in study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest: *Provided*, That no person within any such category shall be deferred except upon the basis of his individual status: *Provided further*, That persons who are or may be deferred under the provisions of this section shall remain liable for training and service in the Armed Forces or for training in the National Security Training Corps under the provisions of section 4 (a) of this Act [section 454 (a) of this Appendix] until the thirty-fifth anniversary of the date of their birth. This proviso shall not be construed to prevent the continued deferment of such persons if otherwise deferable under any other provisions of this Act. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces or from training in the National Security Training Corps (1) of any or all categories of persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable, because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States or undergoing training in the National Security Training Corps shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces or training in the National Security Training Corps of any or all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training

and service in the Armed Forces or training in the National Security Training Corps shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those persons who have been classified by such local board. Notwithstanding any provisions of this Act, no local board, appeal board, or other agency of appeal of the Selective Service System shall be required to postpone or defer any person by reason of his activity in study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors found to be necessary to the maintenance of the national health, safety, or interest solely on the basis of any test, examination, selection system, class standing, or any other means conducted, sponsored, administered, or prepared by any agency or department of the Federal Government or any private institution, corporation, association, partnership, or individual employed by an agency or department of the Federal Government.

(i) (1) Any person who is satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning shall, upon the facts being presented to the local board, be deferred (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest.

(2) Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title [sections 451—454 and 455—471 of this Appendix], shall, upon the facts being presented to the local board, be deferred (A) until the end of such academic year, (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier: *Provided*, That any person who has heretofore had his induction postponed under the provisions of section 6 (i) (2) of the Selective Service Act of 1948 [former subsection (i) (2) of this section]; or any person who has heretofore been deferred as a student under section 6 (h) of such Act [former subsection (h) of this section]; or any person who hereafter is deferred under the provision of this subsection, shall not be further deferred by reason of pursuit of a course of instruction at a college, university, or similar institution of learning except as may be provided by regulations prescribed by the President pursuant to the provisions of subsection (h) of this section. Nothing in this paragraph shall be deemed to preclude the President from providing, by regulations prescribed under subsection (h) of this section, for the deferment from training and service in the Armed Forces or training in the National Security Training Corps of any category or categories of students for such periods of time as he may deem appropriate.

(j) Nothing contained in this title [sections 451—454 and 455—471 of this Appendix] shall be construed to require any person to be subject to com-

batant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code. Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the armed forces under this title [said sections], be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4 (b) [section 454 (b) of this Appendix] such civilian work contributing to the maintenance of the national health, safety, or interest as the local board may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his local board shall be deemed, for the purposes of section 12 of this title [section 462 of this Appendix], to have knowingly failed or neglected to perform a duty required of him under this title [sections 451—454 and 455—471 of this Appendix]. Any person claiming exemption from combatant training and service because of such conscientious objections shall, if such claim is not sustained by the local board, be entitled to an appeal to the appropriate appeal board. Upon the filing of such appeal, the appeal board shall refer any such claim to the Department of Justice for inquiry and hearing. The Department of Justice, after appropriate inquiry, shall hold a hearing with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. The Department of Justice shall, after such hearing, if the objections are found to be sustained, recommend to the appeal board that (1) if the objector is inducted into the armed forces under this title [said sections], he shall be assigned to noncombatant service as defined by the President, or (2) if the objector is found to be conscientiously opposed to participation in such noncombatant service, he shall in lieu of such induction be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4 (b) [section 454 (b) of this Appendix] such civilian work contributing to the maintenance of the national health, safety, or interest as the local board may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his local board shall be deemed, for the purposes of section 12 of this title [section 462 of this Appendix], to have knowingly failed or neglected to perform a duty required of him under this title [sections 451—454 and 455—471 of this Appendix]. If after such hearing the De-

partment of Justice finds that his objections are not sustained, it shall recommend to the appeal board that such objections be not sustained. The appeal board shall, in making its decision, give consideration to, but shall not be bound to follow, the recommendation of the Department of Justice together with the record on appeal from the local board. Each person whose claim for exemption from combatant training and service because of conscientious objections is sustained shall be listed by the local board on a register of conscientious objectors.

(k) No exception from registration, or exemption or deferment from training and service, under this title [sections 451—454 and 455—471 of this Appendix], shall continue after the cause therefor ceases to exist.

(l) Notwithstanding any other provisions of law, no person between the ages of eighteen and twenty-one shall be discharged from service in the armed forces of the United States while this title [sections 451—454 and 455—471 of this Appendix] is in effect because such person entered such service without the consent of his parent or guardian.

(m) No person shall be relieved from training and service under this title [sections 451—454 and 455—471 of this Appendix] by reason of conviction of a criminal offense, except where the offense of which he has been convicted may be punished by death, or by imprisonment for a term exceeding one year.

(n) In the case of any registrant whose principal place of employment is located outside the appeal board area in which the local board having jurisdiction over the registrant is located, any occupational deferment made under subsection (h) of this section may, within five days after such deferment is made, be submitted for review and decision to the appeal board having jurisdiction over the area in which is located the principal place of employment of the registrant. Such decision of the appeal board shall be final unless modified or changed by the President, and such decision shall be made public.

(o) Where one or more sons or daughters of a family were killed in action or died in line of duty while serving in the armed forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, the sole surviving son of such family shall not be inducted for service under the terms of this title [sections 451—454 and 455—471 of this Appendix]. (June 24, 1948, ch. 265, title I, § 6, 62 Stat. 609; Sept. 27, 1950, ch. 1059, § 1 (6), 64 Stat. 1074; June 19, 1951, ch. 144, title I, § 1 (l—q), 65 Stat. 83.)

REFERENCES IN TEXT

Date of enactment of this title, referred to in the text of subsection (b) (1—4), was June 24, 1948.

The effective date of this title, referred to in the text of subsection (c) (2) (B), is defined in section 470 of this Appendix.

The act of August 13, 1946 (60 Stat. 1057), as amended, referred to in the text of subsection (d) (1), is classified to sections 61, 405a, 821, 1020—1020½, 1032, 1039, and 1040 of Title 34, Navy.

This Act, referred to in the text of subsection (h), is classified to sections 451—454 and 455—471 of this Appendix and sections 62a and 65 of Title 10, Army and Air Force.

AMENDMENTS

1951—Subsec. (a) amended by act June 19, 1951, § 1 (l) to exempt Naval reserve midshipmen attending merchant marine schools and students enrolled in military colleges which have approved ROTC courses from registration and induction.

Subsec. (c) amended by act June 19, 1951, § 1 (m) to substitute "February 1, 1941" for "the effective date of this title" in paragraph (1), to insert "prior to the * * * report for induction" following "six months" in paragraph (2) (A), and to insert "paragraph (1) of this subsection" following "subsection (b)" in paragraph (2) (B).

Subsec. (d) amended by act June 19, 1951, § 1 (n) to continue deferments to ROTC members but to increase their period of service from 2 years to 6 years after receiving their commission (including 2 years active duty or 3 years active duty if financial assistance is received), to authorize establishment of other training programs, and to provide for the President's deferment power.

Subsec. (h) amended by act June 19, 1951, § 1 (o) to remove the President's authority to defer married men who have no dependents other than a wife solely on a basis of such marriage unless extreme hardship is involved, to permit the induction of persons now deferred until the thirty-fifth anniversary of their birth should the basis for deferment terminate after their 26th birthday, and to add "dental, optometric, osteopathic, and chiropractic" to the list of endeavors which may be considered for deferment purposes.

Subsec. (i) amended by act June 19, 1951, § 1 (p) to authorize deferment of high school and college students in lieu of postponement of induction in order to give them an opportunity to enlist in the branch of service of their choice during such deferment period.

Subsec. (j) amended by act June 19, 1951, § 1 (q) to substitute "in lieu of * * * under this title" for "be deferred" in third sentence, and "he shall in * * * under this title" for "he shall be deferred" in seventh sentence.

1950—Subsec. (b) (2) amended by act Sept. 27, 1950, which struck out of subdivisions (A) and (B) the phrases "or the Coast Guard", "(or the Coast Guard)", and "or in the Coast Guard" wherever appearing.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard, referred to in this section, is generally a service in the Treasury Department, but such Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

The functions of all officers of the Department of Commerce and all functions of all officers and employees of such Department, were, with a few exceptions, transferred to the Secretary of Commerce, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263, set out in note under section 591 of Title 5, Executive Departments and Government Officers and Employees. The Coast and Geodetic Survey, referred to in this section, is an agency within the Department of Commerce.

SIMILAR PROVISIONS

Deferments and exemptions under the Selective Training and Service Act of 1940, former sections 301—318 of this Appendix, were covered by former section 305 of this Appendix.

A program of work of national importance for conscientious objectors was set up in former section 309a of this Appendix.

CROSS REFERENCES

Selective Service officials and employees, no exemptions for, see section 460 of this Appendix.

EX ORD. NO. 10028. DEFINITION OF NONCOMBATANT SERVICE AND NONCOMBATANT TRAINING

EX. ORD. NO. 10028. DEFINITION OF NONCOMBATANT SERVICE
By virtue of and pursuant to the authority vested in me by Title I of the Selective Service Act of 1948 (62 Stat. 604) [sections 451—454 and 455—471 of this Appendix], and as President of the United States, the following definitions are hereby prescribed for the purposes of section 6 (j) of the said Act [subsection (j) of this section]:

1. The term "noncombatant service" shall mean (a) service in any unit of the armed forces which is unarmed at all times; (b) service in the medical department of any of the armed forces, wherever performed; or (c) any other assignment the primary function of which does not require the use of arms in combat; provided that such other assignment is acceptable to the individual concerned and does not require him to bear arms or to be trained in their use.

2. The term "noncombatant training" shall mean any training which is not concerned with the study, use, or handling of arms or weapons.

§ 457. Repealed. June 19, 1951, ch. 144, § 1 (r), 65 Stat. 86.

Section, act June 24, 1948, ch. 625, title I, § 7, 62 Stat. 614, related to active duty for certain members of reserve components.

§ 458. Bounties for enlistment or induction; substitutes; purchase of release.

No bounty shall be paid to induce any person to enlist in or be inducted into the armed forces of the United States: *Provided*, That the clothing or enlistment allowances authorized by law shall not be regarded as bounties within the meaning of this section. No person liable for training and service in such forces shall be permitted or allowed to furnish a substitute for such training and service; no substitute as such shall be received, enlisted, enrolled, or inducted into the armed forces of the United States; and no person liable for training and service in such forces under section 4 [section 454 of this Appendix] shall be permitted to escape such training and service or be discharged therefrom prior to the expiration of his period of such training and service by the payment of money or any other valuable thing whatsoever as consideration for his release from such training and service or liability therefor. (June 24, 1948, ch. 625, title I, § 8, 62 Stat. 614.)

SIMILAR PROVISIONS

The Selective Training and Service Act of 1940, former sections 301—318 of this Appendix, made the same provisions regarding bounties, substitutes, and payments to escape service in former section 307 of this Appendix.

§ 459. Separation from service—(a) Certificate recording proficiency and merit; physical examination.

Any person inducted into the armed forces under this title [sections 451—454 and 455—471 of this Appendix] for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 4 (b) [section 454 (b) of this Appendix] shall be entitled to a certificate to that effect upon the completion of such period of training and service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is inducted into the armed forces

under this title [sections 451—454 and 455—471 of this Appendix] for training and service shall be given a physical examination at the beginning of such training and service, and upon the completion of his period of training and service under this title [said sections], each such person shall be given another physical examination and, upon his written request, shall be given a statement of physical condition by the Secretary concerned: *Provided*, That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary concerned would prove injurious to the physical or mental health of the person to whom it pertains.

(b) Reemployment rights.

In the case of any such person who, in order to perform such training and service, has left or leaves a position (other than a temporary position) in the employ of any employer and who (1) receives such certificate, and (2) makes application for reemployment within ninety days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year—

(A) if such position was in the employ of the United States Government, its Territories, or possessions, or political subdivisions thereof, or the District of Columbia, such person shall—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case;

(B) if such position was in the employ of a private employer, such person shall—

(i) if still qualified to perform the duties of such position, be restored by such employer or his successor in interest to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of such employer or his successor in interest, be restored by such employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case,

unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is declared to be the sense of the Congress that such person should—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(c) Service considered as furlough or leave of absence.

(1) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) of this section shall be considered as having been on furlough or leave of absence during his period of training and service in the armed forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after such restoration.

(2) It is declared to be the sense of the Congress that any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) of this section should be so restored in such manner as to give him such status in his employment as he would have enjoyed if he had continued in such employment continuously from the time of his entering the armed forces until the time of his restoration to such employment.

(d) Jurisdiction of district court; U. S. attorney to act for claimant.

In case any private employer fails or refuses to comply with the provisions of subsection (b) or (c) (1) of this section, the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, specifically to require such employer to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action: *Provided*, That any such compensation shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions. The court shall order speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof specifically to require such em-

ployer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against any person who may apply for such benefits: *Provided further*, That only the employer shall be deemed a necessary party respondent to any such action.

(e) Reemployment by Federal Government.

(1) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) of this section and who was employed, immediately before entering the armed forces, by any agency in the executive branch of the Government or by any Territory or possession, or political subdivision thereof, or by the District of Columbia, shall be so restored by such agency or the successor to its functions, or by such Territory, possession, political subdivision, or the District of Columbia. In any case in which, upon appeal of any person who was employed immediately before entering the armed forces by any agency in the executive branch of the Government or by the District of Columbia, the United States Civil Service Commission finds that—

(A) such agency is no longer in existence and its functions have not been transferred to any other agency; or

(B) for any reason it is not feasible for such person to be restored to employment by such agency or by the District of Columbia,

the Commission shall determine whether or not there is a position in any other agency in the executive branch of the Government or in the government of the District of Columbia for which such person is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position, such person shall be restored to such position by the agency in which such position exists or by the government of the District of Columbia, as the case may be. The Commission is authorized and directed to issue regulations giving full force and effect to the provisions of this section insofar as they relate to persons entitled to be restored to positions in the executive branch of the Government or in the government of the District of Columbia, including persons entitled to be restored under the last sentence of paragraph (2) of this subsection. The agencies in the executive branch of the Government and the government of the District of Columbia shall comply with such rules and regulations and orders issued by the Commission pursuant to this subsection. The Commission is authorized and directed whenever it finds, upon appeal of the person concerned, that any agency in the executive branch of the Government or the government of the District of Columbia has failed or refuses to comply with the provisions of this section, to issue an order specifically requiring such agency or the government of the District of Columbia to comply with such provisions and to compensate such person for any loss of salary or wages suffered by reason of failure to comply with such provisions, less any amounts received by him through other employment, unemployment compensation, or readjustment allowances: *Provided*, That any such compensation

ordered to be paid by the Commission shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions, and shall be paid by the head of the agency concerned or by the government of the District of Columbia out of appropriations currently available for salary and expenses of such agency or government, and such appropriations shall be available for such purpose. As used in this paragraph, the term "agency in the executive branch of the Government" means any department, independent establishment, agency, or corporation in the executive branch of the United States Government.

(2) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) of this section and who was employed, immediately before entering the armed forces, in the legislative branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the armed forces. In any case in which it is not possible for any such person to be restored to a position in the legislative branch of the Government and he is otherwise eligible to acquire a status for transfer to a position in the classified (competitive) civil service in accordance with section 2 (b) of the Act of November 26, 1940 (54 Stat. 1212) [section 631 (b) of Title 5], the United States Civil Service Commission shall, upon appeal of such person, determine whether or not there is a position in the executive branch of the Government for which he is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position such person shall be restored to such position by the agency in which such position exists.

(3) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) of this section and who was employed, immediately before entering the armed forces, in the judicial branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the armed forces.

(f) Priority of rights to reemployment.

In any case in which two or more persons who are entitled to be restored to a position under the provisions of this section or of any other law relating to similar reemployment benefits left the same position in order to enter the armed forces, the person who left such position first shall have the prior right to be restored thereto, without prejudice to the reemployment rights of the other person or persons to be restored.

(g) Reemployment benefits to persons enlisting or called to active duty.

(1) Any person who, subsequent to June 24, 1948, enlists in the Armed Forces of the United States (other than in a reserve component) and who serves for not more than four years (plus any period of additional service imposed pursuant to law) shall be entitled upon release from service under honorable conditions to all the reemployment rights and other benefits provided for by this section in the case of

persons inducted under the provisions of this title [sections 451—454 and 455—471 of this title].

(2) Any person who, subsequent to June 24, 1948, enters upon active duty (other than for the purpose of determining his physical fitness), whether or not voluntarily, in the Armed Forces of the United States or the Public Health Service in response to an order or call to active duty shall, upon his relief from active duty under honorable conditions, be entitled to all of the reemployment rights and benefits provided by this section in the case of persons inducted under the provisions of this title [sections 451—454 and 455—471 of this Appendix], if he is relieved from active duty not later than four years after the date of entering upon active duty or as soon after the expiration of such four years as he is able to obtain orders relieving him from active duty.

(3) Any employee who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall be granted a leave of absence by his employer for the purpose of being inducted into, entering, determining his physical fitness to enter, or performing training duty in, the Armed Forces of the United States. Upon his release from training duty or upon his rejection, such employee shall, if he makes application for reinstatement within thirty days following his release, be reinstated in his position without reduction in his seniority, status, or pay except as such reduction may be made for all employees similarly situated.

(h) Aid by Bureau of Veterans' Reemployment Rights.

The Secretary of Labor, through the Bureau of Veterans' Reemployment Rights, shall render aid in the replacement in their former positions of persons who have satisfactorily completed any period of active duty in the armed forces of the United States or the Public Health Service. In rendering such aid, the Secretary shall use the then existing Federal and State agencies engaged in similar or related activities and shall utilize the assistance of volunteers.

(i) Right to vote; mauner; poll tax.

Any person inducted into the armed forces for training and service under this title [sections 451—454 and 455—471 of this Appendix] shall, during the period of such service, be permitted to vote in person or by absentee ballot in any general, special, or primary election occurring in the State of which he is a resident, whether he is within or outside such State at the time of such election, if under the laws of such State he is otherwise entitled so to vote in such election; but nothing in this subsection shall be construed to require granting to any such person a leave of absence or furlough for longer than one day in order to permit him to vote in person in any such election. No person inducted into, or enlisted in, the armed forces for training and service under this title [said sections] shall, during the period of such service, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, be required to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

(j) Reports on separated personnel.

The Secretaries of Army, Navy, Air Force, or Treasury shall furnish to the Selective Service System hereafter established a report of separation for each person separated from active duty. (June 24, 1948, ch. 625, title I, § 9, 62 Stat. 614; June 25, 1948, ch. 646, § 1, 62 Stat. 909; Sept. 27, 1950, ch. 1059, § 1 (7)—(10), 64 Stat. 1074; June 19, 1951, ch. 144, title I, § 1 (s), 65 Stat. 85.)

AMENDMENTS

1951—Subsec. (g) amended by act June 19, 1951, to clarify reemployment rights with respect to restoration to a position of like seniority, status, and pay.

1950—Subsec. (g) (1) amended by act Sept. 27, 1950, § 1 (7), which struck out the phrases "or the Coast Guard (other than in a reserve component)" and "or the Coast Guard" following "(other than in a reserve component)".

Subsec. (g) (2) amended by act Sept. 27, 1950, § 1 (8), which struck out "the Coast Guard" following "United States".

Subsec. (h) amended by act Sept. 27, 1950, § 1 (9), which struck out "the Coast Guard" following "United States".

Subsec. (j) amended by act Sept. 27, 1950, § 1 (10), which struck out "or" following "Navy" and inserted "or Treasury" following "Air Force".

CHANGE OF NAME

Subsec. (d) amended by act June 25, 1948, eff. Sept. 1, 1948, which substituted "United States attorney" in lieu of "United States district attorney". See section 501 of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Civil Service Commission were transferred to the Chairman of the Civil Service Commission by 1949 Reorg. Plan No. 5, eff. Aug. 19, 1949, 14 F. R. 5227, 63 Stat. 1067. See note set out under section 632 of Title 5, Executive Departments and Government Officers and Employees.

SIMILAR PROVISIONS

The Selective Training and Service Act of 1940, former sections 301—318 of this Appendix contained provisions relating to service and health certificates, reemployment rights and voting during service in former section 308 of this Appendix.

Reemployment rights and service certificates for reservists called to active service were contained in former section 403 of this Appendix.

CROSS REFERENCES

Restoration to civilian employment after service in both the land or naval services and the Merchant Marine, see section 1472 of this Appendix.

Restoration to civilian employment of members of merchant marine, see section 1471 et seq. of this Appendix.

Voting by numbers of land or naval forces during time of war, see section 301 et seq. of this title.

§ 460. Selective Service System—(a) Establishment; construction; appointment and compensation of Director; termination and reestablishment of Office of Selective Service Records.

(1) There is established in the executive branch of the Government an agency to be known as the Selective Service System, and a Director of Selective Service who shall be the head thereof.

(2) The Selective Service System shall include a national headquarters, at least one State headquarters in each State, Territory, and possession of the United States, and in the District of Columbia, and the local boards, appeal boards, and other agencies provided for in subsection (b) (3) of this section.

(3) The Director shall be appointed by the President, by and with the advice and consent of the

Senate. The Director shall receive basic compensation at the rate of \$14,000 per annum.

(4) The functions of the Office of Selective Service Records (established by the Act of March 31, 1947) and of the Director of the Office of Selective Service Records are transferred to the Selective Service System and the Director of Selective Service, respectively. The personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Office of Selective Service Records are transferred to the Selective Service System. The Office of Selective Service Records shall cease to exist upon the taking effect of the provisions of this title [sections 451—454 and 455—471 of this Appendix]: *Provided*, That, effective upon the termination of this title [said sections] and notwithstanding such termination in other respects, (A) the said Office of Selective Service Records is reestablished on the same basis and with the same functions as obtained prior to the effective date of this title [June 24, 1948], (B) said reestablished Office shall be responsible for liquidating any other outstanding affairs of the Selective Service System, and (C) the personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Selective Service System shall be transferred to such reestablished Office of Selective Service Records.

(b) Administrative provisions.

The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this title [sections 451—454 and 455—471 of this Appendix];

(2) to appoint, upon recommendation of the respective governor or comparable executive official, a State director of the Selective Service System for each headquarters in each State, Territory, and possession of the United States and for the District of Columbia, who shall represent the governor and be in immediate charge of the State headquarters of the Selective Service System; to employ such number of civilians, and to order to active duty with their consent and to assign to the Selective Service System such officers of the selective-service section of the State headquarters and headquarters detachments and such other officers of the federally recognized National Guard of the United States or other armed forces personnel (including personnel of the reserve components thereof), as may be necessary for the administration of the national and of the several State headquarters of the Selective Service System;

(3) to create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of persons registered under this title [said sections], together with such other duties as may be assigned under this title [said sections]. He shall create and establish one or more local boards in each county or political subdivision corresponding thereto of each State,

Territory, and possession of the United States, and in the District of Columbia. Each local board shall consist of three or more members to be appointed by the President from recommendations made by the respective governors or comparable executive officials: *Provided*, That an intercounty local board consisting of at least one member from each component county or corresponding subdivision may be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved and the recommendation of the governor or comparable executive official or officials, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area. No member of any local board shall be a member of the armed forces of the United States, but each member of any local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction, and each intercounty local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area. Such local boards, or separate panels thereof each consisting of three or more members, shall, under rules and regulations prescribed by the President, have the power within the respective jurisdictions of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title [said sections], of all individuals within the jurisdiction of such local boards. The decisions of such local board shall be final, except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe. There shall be not less than one appeal board located within the area of each Federal judicial district in the United States and within each Territory and possession of the United States, and such additional separate panels thereof, as may be prescribed by the President. Appeal boards within the Selective Service System shall be composed of civilians who are citizens of the United States and who are not members of the armed forces. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President. The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title [said sections], and the determination of the President shall be final. No person who is a civilian officer, member, agent, or employee of the Office of Selective Service Records or the Selective Service System, or of any local board or appeal board or other agency of such Officer or system, shall be excepted from registration or deferred or exempted from training and service, as provided for in this title [said sections], by reason

of his status as such civilian officer, member, agent, or employee;

(4) to appoint, and to fix, in accordance with the Classification Act of 1949, the compensation of such officers, agents, and employees as he may deem necessary to carry out the provisions of this title [sections 451—454 and 455—471 of this Appendix]: *Provided*, That the compensation of employees of local boards and appeal boards may be fixed without regard to the Classification Act of 1949: *Provided further*, That any officer on the active or retired list of the armed forces, or any reserve component thereof with his consent, or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this title [sections 451—454 and 455—471 of this Appendix] (except to offices or positions on local boards or appeal boards established or created pursuant to section 10 (b) (3) [subsection (b) (3) of this section]) may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the armed forces or reserve component thereof, or as such officer or employee in any department or agency of the United States;

(5) to utilize the services of any or all departments and any and all officers or agents of the United States, and to accept the services of all officers and agents of the several States, Territories, and possessions, and subdivisions thereof, and the District of Columbia, and of private welfare organizations, in the execution of this title [sections 451—454 and 455—471 of this Appendix];

(6) to purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended [section 14 of Title 44], and to obtain by purchase, loan, or gift such equipment and supplies for the Selective Service System, as he may deem necessary to carry out the provisions of this title [sections 451—454 and 455—471 of this Appendix], with or without advertising or formal contract;

(7) to prescribe eligibility, rules, and regulations governing the parole for service in the armed forces, or for any other special service established pursuant to this title [sections 451—454 and 455—471 of this Appendix], of any person convicted of a violation of any of the provisions of this title [said sections];

(8) subject to the availability of funds appropriated for such purpose, to procure such space as he may deem necessary to carry out the provisions of this title [sections 451—454 and 455—471 of this Appendix] and Public Law 26, Eightieth Congress, approved March 31, 1947, by lease pursuant to existing statutes, except that the provisions of the Act of June 30, 1932 (47 Stat. 412), as amended by section 15 of the Act of March 3, 1933 (47 Stat. 1517; [section 278a of Title 40]), shall not apply to any lease entered into under the authority of this title [sections 451—454 and 455—471 of this Appendix];

(9) subject to the availability of funds appropriated for such purposes, to determine the location of

such additional temporary installations as he may deem essential; to utilize and enlarge such existing installations; to construct, install, and equip, and to complete the construction, installation, and equipment of such buildings, structures, utilities, and appurtenances (including the necessary grading and removal, repair or remodeling of existing structures and installations), as may be necessary to carry out the provisions of this title [sections 451—454 and 455—471 of this Appendix]; and, in order to accomplish the purpose of this title [said sections], to acquire lands, and rights pertaining thereto, or other interests therein, for temporary use thereof, by donation or lease, and to prosecute construction thereon prior to the approval of the title [said sections] by the Attorney General as required by section 355, Revised Statutes, as amended.

(10) subject to the availability of funds appropriated for such purposes, to utilize, in order to provide and furnish such services as may be deemed necessary or expedient to accomplish the purposes of this title [sections 451—454 and 455—471 of this Appendix], such personnel of the armed forces and of Reserve components thereof with their consent, and such civilian personnel, as may be necessary. For the purposes of this title [said sections], the provisions of section 14 of the Federal Employees' Pay Act of 1946 (Public Law 390, Seventy-ninth Congress) with respect to the maximum limitations as to the number of civilian employees shall not be applicable to the Department of the Army, the Department of the Navy, or the Department of the Air Force.

(c) Delegation of President's authority.

The President is authorized to delegate any authority vested in him under this title [sections 451—454 and 455—471 of this Appendix], and to provide for the subdelegation of any such authority.

(d) Acceptance of gifts and voluntary services.

In the administration of this title [sections 451—454 and 455—471 of this Appendix], gifts of supplies, equipment, and voluntary services may be accepted.

(e) Fiscal, disbursing, and accounting agent.

The Chief of Finance, United States Army, is authorized to act as the fiscal, disbursing, and accounting agent of the Director in carrying out the provisions of this title [sections 451—454 and 455—471 of this Appendix].

(f) Settlement of travel claims, etc.

The Director is authorized to make final settlement of individual claims, for amounts not exceeding \$50, for travel and other expenses of uncompensated personnel of the Office of Selective Service Records, or the Selective Service System, incurred while in the performance of official duties, without regard to other provisions of law governing the travel of civilian employees of the Federal Government.

(g) Reports to Congress.

The Director of Selective Service shall submit to the Congress, on or before the 3d day of January of each year, a written report covering the operation of the Selective Service System and such report shall include, by States, information as to the num-

ber of persons registered under this Act; the number of persons inducted into the military service under this Act; and the number of deferments granted under this Act and the basis for such deferments. (June 24, 1948, ch. 625, title I, § 10, 62 Stat. 618; Oct. 15, 1949, ch. 695, § 6 (a), 63 Stat. 881; Oct. 28, 1949, ch. 782, title XI, § 1106 (a), 63 Stat. 972; June 30, 1950, ch. 445, § 3, 64 Stat. 319; Sept. 27, 1950, ch. 1059, § 3 (b), 64 Stat. 1074; June 19, 1951, ch. 144, title I, § 1 (1), 65 Stat. 87.)

REFERENCES IN TEXT

The taking of effect of the provisions of this title and the effective date of this title, referred to in the text of subsection (a) (4), are defined in section 470 of this Appendix.

The termination of this title, referred to in the text of subsection (a) (4), is defined in section 467 of this Appendix.

Act of March 31, 1947 and Public Law 26, Eightieth Congress, approved March 31, 1947, referred to in the text of subsections (a) (4) and (b) (8), respectively, are classified to sections 321—329 of this Appendix.

Classification Act of 1949, referred to in the text of subsection (b) (4), is classified to chapter 21 of Title 5, Executive Departments and Government Officers and Employees.

Section 355, Revised Statutes, as amended, referred to in the text of subsection (b) (9), is set out as section 733 of Title 33, Navigation and Navigable Waters; section 520 of Title 34, Navy; section 255 of Title 40, Public Buildings, Property and Works; and section 175 of this title.

Section 14 of the Federal Employees' Pay Act of 1946 (Public Law 390, Seventy-ninth Congress), referred to in the text of subsection (b) (10), was act May 24, 1946, ch. 270, § 14, 60 Stat. 219, which amended section 607 of act June 30, 1945, ch. 212, title VI, 59 Stat. 304 (former section 947 of Title 5). Said section 607, as amended, was repealed by act Sept. 12, 1950, ch. 946, title III, § 301 (85), 64 Stat. 843.

This Act, referred to in the text of subsection (g), is classified to sections 451—454 and 455—471 of this Appendix, and sections 62a and 65 of Title 10, Army and Air Force.

AMENDMENTS

1951—Subsec. (b) (3) amended by act June 19, 1951, § 1 (u) (1), to provide for 1 appeal board in each Federal judicial district in the United States, its territories and possessions, and such necessary panels as the President deems necessary.

Subsec. (g) added by act June 19, 1951, § 1 (u) (2).

1950—Subsec. (b) (3) amended by act Sept. 27, 1950, which inserted ", or separate panels thereof each consisting of three or more members" following "Such local boards" in the sixth sentence.

Subsec. (b) (4) amended by act June 30, 1950, which deleted the comma between "the compensation of" and "such officers".

1949—Subsec. (a) (3) amended by act Oct. 15, 1949, to increase the compensation of the Director of Selective Service from \$12,500 to \$14,000 per annum.

Subsec. (b) (4) amended by act Oct. 28, 1949, which substituted the "Classification Act of 1949" in lieu of the "Classification Act of 1923, as amended".

EFFECTIVE DATE OF 1949 AMENDMENT

The increased compensation provided for by act Oct. 15, 1949, took effect on the first day of the first pay period which began after Oct. 15, 1949, by the provisions of section 9 of said act Oct. 15, 1949, which is set out as a note under section 3 of Title 5, Executive Departments and Government Officers and Employees.

SHORT TITLE

Congress, in enacting the amendments to this section and section 467 of this Appendix, and in enacting section 471 of this Appendix, provided by section 4 of act June 30, 1950, that it should be popularly known as the "Selective Service Extension Act of 1950".

SIMILAR PROVISIONS

Administrative provisions relating to the Selective Service System under the Selective Training and Service Act of 1940, former sections 301—318 of this Appendix, were contained in former section 310 of this Appendix.

DELEGATION OF PRESIDENT'S AUTHORITY

Ex. Ord. No. 10271, July 9, 1951, 16 F. R. 6659, set out as a note under section 471 of this Appendix, delegates, to the Secretary of Defense, the President's authority to order members and units of Reserve components into active federal service.

COMPENSATION INCREASE FOR EMPLOYEES OF LOCAL OR APPEAL BOARDS

Act June 5, 1952, ch. 369, ch. VII, § 701, 66 Stat. 109, provided in part: "That effective as of the first day of the first pay period which began after June 30, 1951, and within ninety days from the date of enactment of this Act [June 5, 1952], the rate of compensation of any employee of a local board or appeal board may be increased pursuant to the authority contained in section 10 of the Universal Military Training and Service Act, as amended [this section]: *Provided further*, That such increases may be made retroactively effective on the same basis as if they had been authorized by Public Law 201, approved October 24, 1951 [section 1113 (b), (c) of Title 5]."

§ 461. Emergency medical care.

Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title [sections 451—454 and 455—471 of this Appendix] shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation, and burial, of the remains of registrants who suffer death, while acting under orders issued under the provisions of this title [said sections], but such burial expenses shall not exceed \$150 in any one case. (June 24, 1948, ch. 625, title I, § 11, 62 Stat. 621.)

SIMILAR PROVISIONS

The medical and burial expenses of registrants under the Selective Training and Service Act of 1940, former sections 301—318 of this Appendix, were provided for in former section 303a of this Appendix.

§ 462. Offenses and penalties.

(a) Any member of the Selective Service System or any other person charged as herein provided with the duty of carrying out any of the provisions of this title [sections 451—454 and 455—471 of this Appendix], or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said title [said sections], rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly make, or be a party to the making of, any false statement or certificate regarding or bearing upon a classification or in support of any request for a particular classification, for service under the provisions of this title [said sections], or rules, regulations, or directions made pursuant thereto, or who otherwise evades or refuses registration or service in

the armed forces or any of the requirements of this title [said sections], or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces or any of the requirements of this title [said sections], or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect or refuse to perform any duty required of him under or in the execution of this title [said sections], or rules, regulations, or directions made pursuant to this title [said sections], or any person or persons who shall knowingly hinder or interfere or attempt to do so in any way, by force or violence or otherwise, with the administration of this title [said sections] or the rules or regulations made pursuant thereto, or who conspires to commit any one or more of such offenses, shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than \$10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by court martial in any case arising under this title [said sections] unless such person has been actually inducted for the training and service prescribed under this title [said sections] or unless he is subject to trial by court martial under laws in force prior to the enactment of this title [said sections]. Precedence shall be given by courts to the trial of cases arising under this title [said sections], and such cases shall, upon request of the Attorney General, be advanced on the docket for immediate hearing.

(b) Any person (1) who knowingly transfers or delivers to another, for the purpose of aiding or abetting the making of any false identification or representation, any registration certificate, alien's certificate of nonresidence, or any other certificate issued pursuant to or prescribed by the provisions of this title [sections 451—454 and 455—471 of this Appendix], or rules or regulations promulgated hereunder; or (2) who, with intent that it be used for any purpose of false identification or representation, has in his possession any such certificate not duly issued to him; or (3) who forges, alters, or in any manner changes any such certificate or any notation duly and validly inscribed thereon; or (4) who, with intent that it be used for any purpose of false identification or representation, photographs, prints, or in any manner makes or executes any engraving, photograph, print, or impression in the likeness of any such certificate, or any colorable imitation thereof; or (5) who has in his possession any certificate purporting to be a certificate issued pursuant to this title [said sections], or rules and regulations promulgated hereunder, which he knows to be falsely made, reproduced, forged, counterfeited, or altered; or (6) who knowingly violates or evades any of the provisions of this title [said sections] or rules and regulations promulgated pursuant thereto relating to the issuance, transfer, or possession of such certificate, shall, upon conviction, be fined not to ex-

ceed \$10,000 or be imprisoned for not more than five years, or both. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any certificate not duly issued to him, such possession shall be deemed sufficient evidence to establish an intent to use such certificate for purposes of false identification or representation, unless the defendant explains such possession to the satisfaction of the jury. (June 24, 1948, ch. 625, title I, § 12, 62 Stat. 622.)

SIMILAR PROVISIONS

Under the Selective Training and Service Act of 1940, former sections 301—318 of this Appendix, provisions relating to offenses and punishment were covered by former section 311 of this Appendix.

CROSS REFERENCES

Conviction of crime as ground for exemption from service, see section 456 of this Appendix.

Refusal to give preference to orders or to manufacture supplies, see section 468 of this Appendix.

§ 463. Nonapplicability of certain laws.

(a) Nothing in sections 281, 283, or 284 of Title 18, in section 99 of Title 5, or in the second sentence of subsection (a) of section 118i of Title 5, as amended, shall be deemed to apply to any person because of his appointment under authority of this title [sections 451—454 and 455—471 of this Appendix] or the regulations made pursuant thereto as an uncompensated official of the Selective Service System, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant or noncombatant training because of conscientious objections, or as a member of the National Selective Service Appeal Board.

(b) All functions performed under this title [sections 451—454 and 455—471 of this Appendix] shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 of such Act [section 1002 of Title 5].

(c) In computing the lump-sum payments made to Air Force reserve officers under the provisions of section 2 of the Act of June 16, 1936, as amended [section 300a of Title 10], and to reserve officers of the Navy or to their beneficiaries under section 12 of the Act of August 4, 1942, as amended [section 850k of Title 34], no credit shall be allowed for any period of active service performed from the effective date of this title [June 24, 1948] to the date on which this title shall cease to be effective. Each such lump-sum payment shall be prorated for a fractional part of a year of active service in the case of any reserve officer subject to the provisions of either such section, if such reserve officer performs continuous active service for one or more years (inclusive of such service performed during the period in which this title [sections 451—454 and 455—471 of this Appendix] is effective) and such active service includes a fractional part of a year immediately prior to the effective date of this title [June 24, 1948], or immediately following the date on which this title shall cease to be effective [June 24, 1950], or both. (June 24, 1948, ch. 625, title I, § 13, 62 Stat. 623; June 19, 1951, ch. 144, title I, § 1 (t), 65 Stat. 87.)

REFERENCES IN TEXT

Administrative Procedure Act, referred to in the text of subsection (b), is classified to chapter 19 of Title 5, Executive Departments and Government Officers and Employees.

Effective date of this title, referred to in the text of subsection (c), is defined in section 470 of this Appendix.

Date on which this title shall cease to be effective, referred to in the text of subsection (c), is defined in section 467 of this Appendix.

AMENDMENTS

1951—Subsec. (a) amended by act June 19, 1951 to include within its provisions members of the National Selective Service Appeal Board.

TERMINATION OF PAYMENTS

Termination of lump-sum payments to released Reserve officers under section 300a of Title 10, Army and Air Force, and section 850k of Title 34, Navy, see sections 300b and 300c of such Title 10, and sections 850k-1 and 850k-2 of such Title 34.

§ 464. Soldiers' and Sailors' Civil Relief Act as applicable.

Notwithstanding the provisions of section 604 of the Act of October 17, 1940 (54 Stat. 1191) [section 584 of this Appendix], and the provisions of section 4 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress) [section 584 note of this Appendix], all of the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, including specifically article IV thereof [sections 540—548 of this Appendix], shall be applicable to all persons in the armed forces of the United States, including all persons inducted into the armed forces pursuant to this title [sections 451—454 and 455—471 of this Appendix] or the Public Health Service, until such time as the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is repealed or otherwise terminated by subsequent Act of the Congress: *Provided*, That, with respect to persons inducted into the armed forces while this title [sections 451—454 and 455—471 of this Appendix] is in effect, wherever under any section or provision of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed while such Act is in force, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction. (June 24, 1948, ch. 625, title I, § 14, 62 Stat. 623; Sept. 27, 1950, ch. 1059, § 1 (11), 64 Stat. 1074.)

REFERENCES IN TEXT

Soldiers' and Sailors' Civil Relief Act, referred to in the catchline and text, is classified to sections 501—548 and 560—590 of this Appendix.

Such act, referred to in the text, has reference to the Soldiers' and Sailors' Civil Relief Act.

AMENDMENTS

1950—Act Sept. 27, 1950, amended section by striking out phrase “, the Coast Guard” following “to this title”.

SIMILAR PROVISIONS

Under the Selective Training and Service Act of 1940, former sections 301—318 of this Appendix, provisions relating to Soldiers' and Sailors' Civil Relief were contained in former section 313 of this Appendix.

TERMINATION OF WAR

Termination of war with respect to article IV of Soldiers' and Sailors' Civil Relief Act, referred to in the text, see note set out under section 584 of this Appendix.

§ 465. Notice of requirements of Act; voluntary enlistments unaffected.

(a) Every person shall be deemed to have notice of the requirements of this title [sections 451—454 and 455—471 of this Appendix] upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 3 [section 453 of this Appendix].

(b) It shall be the duty of every registrant to keep his local board informed as to his current address and changes in status as required by such rules and regulations as may be prescribed by the President.

(c) If any provision of this title [sections 451—454 and 455—471 of this Appendix], or the application thereof to any person or circumstance, is held invalid, the remainder of the title [said sections], and the application of such provision to other persons or circumstances, shall not be affected thereby.

(d) Except as provided in section 4 (c) or section 4 (g) [section 454 (c) or (g) of this Appendix], nothing contained in this title [sections 451—454 and 455—471 of this Appendix] shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the armed forces of the United States, including the reserve components thereof, except that no person shall be accepted for enlistment after he has received orders to report for induction and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense. (June 24, 1948, ch. 625, title I, § 15, 62 Stat. 624.)

SIMILAR PROVISIONS

Under the Selective Training and Service Act of 1940, former sections 301—318 of this Appendix, provisions relating to notice of requirements, voluntary enlistments and separability of provisions were covered by former section 314 of this Appendix.

§ 466. Definitions.

When used in this title [sections 451—454 and 455—471 of this Appendix]—

(a) The term “between the ages of eighteen and twenty-six” shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the twenty-sixth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

(b) The term “United States”, when used in a geographical sense, shall be deemed to mean the several States, the District of Columbia, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam.

(c) The term “armed forces” shall be deemed to include the Army, the Navy, the Marine Corps, the Air Force, and the Coast Guard.

(d) The term “district court of the United States” shall be deemed to include the courts of the United

States for the Territories and possessions of the United States.

(e) The term “local board” shall be deemed to include an intercounty local board in the case of any registrant who is subject to the jurisdiction of an intercounty local board.

(f) The term “Director” shall be deemed to mean the Director of the Selective Service System.

(g) (1) The term “duly ordained minister of religion” means a person who has been ordained, in accordance with the ceremonial, ritual, or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

(2) The term “regular minister of religion” means one who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

(3) The term “regular or duly ordained minister of religion” does not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization and does not include any person who may have been duly ordained a minister in accordance with the ceremonial, rite, or discipline of a church, religious sect or organization, but who does not regularly, as a vocation, teach and preach the principles of religion and administer the ordinances of public worship as embodied in the creed or principles of his church, sect, or organization.

(h) The term “organized unit”, when used with respect to a reserve component, shall be deemed to mean a unit in which the members thereof are required satisfactorily to participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

(i) The term “reserve components of the armed forces” shall, unless the context otherwise requires, be deemed to include the federally recognized National Guard of the United States, the federally recognized Air National Guard of the United States, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, and the Coast Guard Reserve, and shall include, in addition to the foregoing, the Public Health Service Reserve when serving with the armed forces. (June 24, 1948, ch. 625, title I, § 16, 62 Stat. 624; Sept. 27, 1950, ch. 1059, § 1 (12), (13), 64 Stat. 1074; June 19, 1951, ch. 144, title I, § 1 (v), 65 Stat. 87.)

AMENDMENTS

1951—Subsec. (b) amended by act June 19, 1951 to bring “Guam” within definition of the “United States”.

1950—Subsec. (c) amended by act Sept. 27, 1950, § 1 (12) which struck out "and" following "Corps" and inserted preceding period the phrase ", and the Coast Guard".

Subsec. (1) amended by act Sept. 27, 1950, § 1 (13), which struck out "and" following "Naval Reserve", the phrase ", the Coast Guard Reserve" following "foregoing" and inserted after "Marine Corps Reserve" the phrase "and the Coast Guard Reserve".

SIMILAR PROVISIONS

Under the Selective Training and Service Act of 1940, former sections 301—318 of this Appendix, definitions were set out in former section 315 of this Appendix.

§ 467. Repeals; appropriations; termination date.

(a) Except as provided in this title [sections 451—454 and 455—471 of this Appendix] all laws or any parts of laws in conflict with the provisions of this title [said sections] are repealed to the extent of such conflict.

(b) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title [sections 451—454 and 455—471 of this Appendix]. All funds appropriated for the administrative expenses of the National Security Training Commission shall be appropriated directly to the Commission and all funds appropriated to pay the expenses of training carried out by the military departments designated by the Commission shall be appropriated directly to the Department of Defense.

(c) Notwithstanding any other provisions of this title [sections 451—454 and 455—471 of this Appendix], no person shall be inducted for training and service in the Armed Forces after July 1, 1955, except persons now or hereafter deferred under section 6 of this title [section 456 of this Appendix] after the basis for such deferment ceases to exist. (June 24, 1948, ch. 625, title I, § 17, 62 Stat. 625; June 23, 1950, ch. 351, 64 Stat. 254; June 30, 1950, ch. 445, § 1, 64 Stat. 318; June 19, 1951, ch. 144, title I, § 1 (w), 65 Stat. 87.)

AMENDMENTS

1951—Act June 19, 1951 amended section generally to provide for repeal of all conflicting laws, to appropriate certain funds directly to the Commission, and to provide for the termination date of July 1, 1955.

1950—Subsec. (b) amended by Joint Res. June 23, 1950, and act June 30, 1950, to extend the period of effectiveness for fifteen days until July 9, 1950, and to again extend it from July 9, 1950, to July 9, 1951.

SIMILAR PROVISIONS

Under the Selective Training and Service Act of 1940, former sections 301—318 of this Appendix, provisions relating to termination date, suspension of conflicting laws, and appropriations were covered by former section 316 of this Appendix.

§ 468. Utilization of industry—(a) Placement of orders; definition of "small business".

Whenever the President after consultation with and receiving advice from the National Security Resources Board determines that it is in the interest of the national security for the Government to obtain prompt delivery of any articles or materials the procurement of which has been authorized by the Congress exclusively for the use of the armed forces of the United States, or for the use of the Atomic Energy

Commission, he is authorized, through the head of any Government agency, to place with any person operating a plant, mine, or other facility capable of producing such articles or materials an order for such quantity of such articles or materials as the President deems appropriate. Any person with whom an order is placed pursuant to the provisions of this section shall be advised that such order is placed pursuant to the provisions of this section. Under any such program of national procurement, the President shall recognize the valid claim of American small business to participate in such contracts, in such manufactures, and in such distribution of materials, and small business shall be granted a fair share of the orders placed, exclusively for the use of the armed forces or for other Federal agencies now or hereafter designated in this section. For the purposes of this section, a business enterprise shall be determined to be "small business" if (1) its position in the trade or industry of which it is a part is not dominant, (2) the number of its employees does not exceed 500, and (3) it is independently owned and operated.

(b) Precedence of Government placed orders.

It shall be the duty of any person with whom an order is placed pursuant to the provisions of subsection (a) [of this section], (1) to give such order such precedence with respect to all other orders (Government or private) theretofore or thereafter placed with such person as the President may prescribe, and (2) to fill such order within the period of time prescribed by the President or as soon thereafter as possible.

(c) Failure to give precedence; Government possession.

In case any person with whom an order is placed pursuant to the provisions of subsection (a) of this section refuses or fails—

(1) to give such order such precedence with respect to all other orders (Government or private) theretofore or thereafter placed with such person as the President may have prescribed;

(2) to fill such order within the period of time prescribed by the President or as soon thereafter as possible as determined by the President;

(3) to produce the kind or quality of articles or materials ordered; or

(4) to furnish the quantity, kind, and quality of articles or materials ordered at such price as shall be negotiated between such person and the Government agency concerned; or in the event of failure to negotiate a price, to furnish the quantity, kind, and quality of articles or materials ordered at such price as he may subsequently be determined to be entitled to receive under subsection (d) of this section;

the President is authorized to take immediate possession of any plant, mine, or other facility of such person and to operate it, through any Government agency, for the production of such articles or materials as may be required by the Government.

(d) Same; payment of compensation by United States.

Fair and just compensation shall be paid by the United States (1) for any articles or materials

furnished pursuant to an order placed under subsection (a) of this section, or (2) as rental for any plant, mine, or other facility of which possession is taken under subsection (c) of this section.

(e) Same; application of Federal and State laws governing employees.

Nothing contained in this section shall be deemed to render inapplicable to any plant, mine, or facility of which possession is taken pursuant to subsection (c) [of this section] any State or Federal laws concerning the health, safety, security, or employment standards of employees.

(f) Penalties.

Any person, or any officer of any person as defined in this section, who willfully fails or refuses to carry out any duty imposed upon him by subsection (b) of this section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than three years, or by a fine of not more than \$50,000, or by both such imprisonment and fine.

(g) Definitions.

(1) As used in this section—

(A) The term “person” means any individual, firm, company, association, corporation, or other form of business organization.

(B) The term “Government agency” means any department, agency, independent establishment, or corporation in the Executive branch of the United States Government.

(2) For the purposes of this section, a plant, mine, or other facility shall be deemed capable of producing any articles or materials if it is then producing or furnishing such articles or materials or if the President after consultation with and receiving advice from the National Security Resources Board determines that it can be readily converted to the production or furnishing of such articles or materials.

(h) Rules and regulations governing steel industry; mandatory; reports to Congress.

(1) The President is empowered, through the Secretary of Defense, to require all producers of steel in the United States to make available, to individuals, firms, associations, companies, corporations, or organized manufacturing industries having orders for steel products or steel materials required by the armed forces, such percentages of the steel production of such producers, in equal proportion deemed necessary for the expeditious execution of orders for such products or materials. Compliance with such requirement shall be obligatory on all such producers of steel and such requirement shall take precedence over all orders and contracts theretofore placed with such producers. If any such producer of steel or the responsible head or heads thereof refuses to comply with such requirement, the President, through the Secretary of Defense, is authorized to take immediate possession of the plant or plants of such producer and, through the appropriate branch, bureau, or department of the armed forces, to insure compliance with such requirement. Any such producer of steel or the responsible head or heads thereof refusing to comply with such requirement

shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than three years and a fine not exceeding \$50,000.

(2) The President shall report to the Congress on the final day of each six-month period following the date of enactment of this Act the percentage figure, or if such information is not available, the approximate percentage figure, of the total steel production in the United States required to be made available during such period for the execution of orders for steel products and steel materials required by the armed forces, if such percentage figure is in excess of 10 per centum. (June 24, 1948, ch. 625, title I, § 18, 62 Stat. 625.)

REFERENCES IN TEXT

Date of enactment of this act, referred to in the text of subsection (h) (2), occurred June 24, 1948.

TRANSFER OF FUNCTIONS

The National Security Resources Board, together with its functions, records, property, personnel, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) were transferred to the Executive Office of the President by 1949 Reorg. Plan No. 4, eff. Aug. 19, 1949, 14 F. R. 5227, 63 Stat. 1067. See note set out under section 1332-15 of Title 5, Executive Departments and Government Officers and Employees.

SIMILAR PROVISIONS

Under the Selective Training and Service Act of 1940, former sections 301-318 of this Appendix, provisions relating to conscription of industry were covered by former section 309 of this Appendix.

CROSS REFERENCES

Power of President to require performance of contracts or orders for national defense, see section 2071 of this Appendix.

§ 469. Saving provisions.

Nothing in this title [sections 451-454 and 455-471 of this Appendix] shall be deemed to amend any provision of the National Security Act of 1947 (61 Stat. 495). (June 24, 1948, ch. 625, title I, § 19, 62 Stat. 627.)

REFERENCES IN TEXT

The National Security Act of 1947 (61 Stat. 495), referred to in the text, which is act July 26, 1947, ch. 343, 61 Stat. 495, is dispersed throughout the Code. For classifications of said act see Tables Volume.

§ 470. Effective date.

This title [sections 451-454 and 455-471 of this Appendix] shall become effective immediately; except that unless the President, or the Congress by concurrent resolution, declares a national emergency after the date of enactment of this Act [June 24, 1948], no person shall be inducted or ordered into active service without his consent under this title [said sections] within ninety days after the date of its enactment. The Secretary of the Army, for the Army and the Air Force, the Secretary of the Navy, for the Navy and Marine Corps, and the Secretary of the Treasury, for the Coast Guard, are authorized and directed to initiate and carry forward an intensified voluntary enlistment campaign in an effort to obtain the required personnel strengths. (June 24, 1948, ch. 625, title I, § 20, 62 Stat. 627; Sept. 27, 1950, ch. 1059, § 1 (14), 64 Stat. 1074.)

AMENDMENTS

1950—Act Sept. 27, 1950, amended section by striking out “and” following “Air Force” and by inserting after “Marine Corps” the phrase “and the Secretary of the Treasury, for the Coast Guard”.

§ 471. Authority of President to order Reserve components to active service; release from active duty; retention of unit organizations and equipment.

Until July 1, 1953, and subject to the limitations imposed by section 2 of the Selective Service Act of 1948, as amended [section 452 of this Appendix], the President shall be authorized to order into the active military or naval service of the United States for a period of not to exceed twenty-four consecutive months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces. Unless he is sooner released under regulations prescribed by the Secretary of the military department concerned, any member of the inactive or volunteer reserve who served on active duty for a period of 12 months or more in any branch of the Armed Forces between the period December 7, 1941, and September 2, 1945, inclusive, who is now or may hereafter be ordered to active duty pursuant to this section, shall upon completion of 17 or more months of active duty since June 25, 1950, if he makes application therefor to the Secretary of the branch of service in which he is serving, be released from active duty and shall not thereafter be ordered to active duty for periods in excess of 30 days without his consent except in time of war or national emergency hereafter declared by the Congress: *Provided*, That the foregoing shall not apply to any member of the inactive or volunteer reserve ordered to active duty whose rating or specialty is found by the Secretary of the military department concerned to be critical and whose release to inactive duty prior to the period for which he was ordered to active duty would impair the efficiency of the military department concerned.

The President may retain the unit organizations and the equipment thereof, exclusive of the individual members thereof, in the active Federal service for a total period of five consecutive years, and upon being relieved by the appropriate Secretary from active Federal service, National Guard, or Air National Guard units, shall, insofar as practicable, be returned to their National Guard or Air National Guard status in their respective States, Territories, the District of Columbia, and Puerto Rico, with pertinent records, colors, histories, trophies, and other historical impedimenta. (June 24, 1948, ch. 625, title I, § 21, as added June 30, 1950, ch. 445, § 2, 64 Stat. 318 and amended June 19, 1951, ch. 144, title I, § 1 (X), 65 Stat. 87; July 7, 1952, ch. 584, § 1, 66 Stat. 440.)

REFERENCES IN TEXT

Selective Service Act of 1948, as amended, referred to in the first paragraph, was redesignated Universal Military Training and Service Act by the amendment in act June 19, 1951, ch. 144, title I, § 1 (a), 65 Stat. 75 to act June 24, 1948, ch. 625, title I, § 1 (a), 62 Stat. 604, which is set out as section 451 (a) of this Appendix.

AMENDMENTS

1952—Act July 7, 1952, amended section to authorize the President to retain unit organizations and their equipment, exclusive of individual members, for a period of five years.

1951—Act June 19, 1951 amended section by substituting “July 1, 1953” for “July 9, 1951”, “twenty-four months” for “twenty-one months”, and adding last sentence.

EX. ORD. NO. 10271. DELEGATION OF PRESIDENT'S AUTHORITY

Ex. Ord. No. 10271, July 9, 1951, 16 F. R. 6661, provided:

There is hereby delegated to the Secretary of Defense the authority vested in the President by section 21 of the Universal Military Training and Service Act (64 Stat. 318), as amended by the 1951 Amendments to the Universal Military Training and Service Act (65 Stat. 87; Public Law 51, 82d Congress) [this section], to order into the active military or naval service of the United States for a period not to exceed twenty-four months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces: *Provided*, that so much of the authority of the President under the said section 21, as amended [this section], as relates to any Reserve component of the United States Coast Guard or to retired personnel of the Regular Coast Guard is hereby delegated to the Secretary of the Treasury.

The Secretary of Defense is hereby authorized to redelegate, subject to such conditions as the Secretary may deem appropriate, to the Secretaries of the Army, Navy, and Air Force such functions under this order as affect their respective services.

§ 472. Period of increased service applicable to all personnel.

Wherever in this amendatory Act [sections 451—456, 459, 460, 463, 466, 467, and 471—473 of this Appendix and section 621c of Title 10] the period of active service for any category of persons is increased, such increased period of service shall be applicable to all persons in such category serving on active duty in the Armed Forces on the date of the enactment of this amendatory Act. (June 19, 1951, ch. 144, title I, § 4, 65 Stat. 88.)

REFERENCES IN TEXT

Date of the enactment of this amendatory act, referred to in the text, occurred June 19, 1951.

CODIFICATION

Section was enacted as a part of the “1951 Amendments to the Universal Military Training and Service Act” and not as a part of the “Universal Military Training and Service Act” which comprises sections 451—454 and 455—471 of this Appendix.

§ 473. Regulations governing liquor sales; penalties.

The Secretary of Defense is authorized to make such regulations as he may deem to be appropriate governing the sale, consumption, possession of or traffic in beer, wine, or any other intoxicating liquors to or by members of the Armed Forces or the National Security Training Corps at or near any camp, station, post, or other place primarily occupied by members of the Armed Forces or the National Security Training Corps. Any person, corporation, partnership, or association who knowingly violates the regulations which may be made hereunder shall, unless otherwise punishable under the Uniform Code of Military Justice, be deemed guilty of a misdemeanor and be punished by a fine of not

more than \$1,000 or imprisonment for not more than twelve months, or both. (June 19, 1951, ch. 144, title I, § 6, 65 Stat. 88.)

REFERENCES IN TEXT

Uniform Code of Military Justice, referred to in the text, is classified to chapter 22 of this title.

CODIFICATION

Section was enacted as a part of the "1951 Amendments to the Universal Military Training and Service Act" and not as a part of the "Universal Military Training and Service Act" which comprises sections 451—454 and 455—471 of this Appendix.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

ACT OCT. 17, 1940, CH. 888, 54 STAT. 1178

Sec.

501. Short title.

ARTICLE I.—GENERAL PROVISIONS

- 510. Purpose; suspension of enforcement of civil liabilities.
- 511. Definitions.
- 512. Territorial application; jurisdiction of courts; form of procedure.
- 513. Protection of persons secondarily liable.
- 514. Extension of benefits to citizens serving with forces of war allies.
- 515. Notice of benefits to persons in and persons entering military service.
- 516. Extension of benefits to persons ordered to report for induction or military service.
- 517. Effect on rights, remedies, etc., pursuant to written agreements entered after commencement of military service.

ARTICLE II.—GENERAL RELIEF

- 520. Default judgments; affidavits; bonds; attorneys for persons in service.
- 521. Stay of proceedings where military service affects conduct thereof.
- 522. Fines and penalties on contracts, etc.
- 523. Stay or vacation of execution of judgments, attachments, etc.
- 524. Duration and term of stays; codefendants not in service.
- 525. Statutes of limitations as affected by period of service.
- 526. Maximum rate of interest.
- 527. Limitations prescribed by internal revenue laws as affected by period of service.

ARTICLE III.—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENTS, LEASES

- 530. Eviction or distress during military service; stay; penalty for noncompliance; allotment of pay for payment.
- 531. Installment contracts for purchase of property.
- 532. Mortgages, trust deeds, etc.
- 533. Settlement of cases involving stayed proceedings to foreclose mortgage on, resume possession of, or terminate contract for purchase of, personal property.
- 534. Termination of leases by lessees.
- 535. Protection of assignor of life insurance policy; enforcement of storage liens; penalties.
- 536. Extension of benefits to dependents.

ARTICLE IV.—INSURANCE

- 540. Definitions.
- 541. Persons entitled to benefits of article; applications; amount of insurance protected.
- 542. Form of application; reports to Veterans' Administration by insurer; policy deemed modified upon application for protection.

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- 543. Determination of policies entitled to protection; notice to parties; lapse of policies for nonpayment of premiums, etc.
- 544. Rights and privileges of injured during period of protection.
- 545. Deduction of unpaid premiums upon settlement of policies maturing during protection.
- 546. Guaranty of premiums and interest by United States; settlement of amounts due upon expiration of protection; subrogation of United States; crediting debt repayments.
- 547. Regulations; finality of determinations; annual reports to Congress by Veterans' Administrator.
- 548. Law governing applications for protection prior to Oct. 6, 1942.
- 549—554. Omitted.

ARTICLE V.—TAXES AND PUBLIC LANDS

- 560. Taxes respecting personalty, money, credits, or realty; sale of property to enforce collection; redemption of property sold; penalty for nonpayment; notice of rights to beneficiaries of section.
- 561. Rights to public lands not forfeited; grazing lands.
- 562. Homestead entries and settlement claims; service as equivalent to residence and cultivation.
- 563. Same; death or incapacity during or resulting from service as affecting rights; perfection of rights.
- 564. Desert-land entries; suspension of requirements.
- 565. Mining claims; requirements suspended.
- 566. Mineral permits and leases; suspension of operations and term of permits and leases.
- 567. Right to take action for perfection, defense, etc., of rights as unaffected; affidavits and proofs.
- 568. Irrigation rights; residence requirements suspended.
- 569. Distribution of information concerning benefits of article; forms.
- 570. Homestead entrymen permitted to leave entries to perform farm labor.
- 571. Land rights of persons under 21.
- 572. Extension of benefits to persons serving with war allies of United States.
- 573. Income taxes; collection deferred; interest; statute of limitations.
- 574. Residence for tax purposes.

ARTICLE VI.—ADMINISTRATIVE REMEDIES

- 580. Transfers to take advantage of act.
- 581. Certificates of service; persons reported missing.
- 582. Revocation, etc., of interlocutory orders.
- 583. Separability of provisions.
- 584. Termination date.
- 585. Inapplicability of Soldiers' and Sailors' Civil Relief Act of 1918.

ARTICLE VII.—FURTHER RELIEF

- 590. Stay of enforcement of obligations, liabilities, taxes, etc.

EXTENSION OF BENEFITS TO INDUCTEES UNDER UNIVERSAL MILITARY TRAINING AND SERVICE ACT

The benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, sections 501—548 and 560—590 of this Appendix, are extended to inductees under the Universal Military Training and Service Act, by section 464 of this Appendix.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1918

Former provisions on this subject were contained in the Soldiers' and Sailors' Civil Relief Act of 1918, set out as former section 101 et seq. of this Appendix.

§ 501. Short title.

This Act [sections 501—548 and 560—590 of this Appendix] may be cited as the Soldiers' and Sailors' Civil Relief Act of 1940. (Oct. 17, 1940, ch. 888, § 1, 54 Stat. 1178.)